RECORDING FEE $ NONE	FILED FOR RECORD THE 8 DAY OF June 2004 AT 10:05	STATE OF IOWA, BUTLER COUNTY: Craig Franken RECORDER
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BUTLER COUNTY, IOWA SUBDIVISION ORDINANCE
(UNINCORPORATED AREAS)

ORDINANCE NUMBER VI No. 8

AN ORDINANCE REPEALING EXISTING SUBDIVISION REGULATIONS OR ORDINANCES, AND ALL OF THE AMENDMENTS THERETO

THE FOLLOWING SUBDIVISION ORDINANCE IS ENACTED IN LIEU THEREOF AS NEW ORDINANCE NUMBER VI No 8, THE "BUTLER COUNTY, IOWA SUBDIVISION ORDINANCE". THIS IS AN ORDINANCE CREATING SUBDIVISION REGULATIONS FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY IN THE UNINCORPORATED AREAS OF BUTLER COUNTY, IOWA

RECOMMEND FOR ADOPTION BY
THE BUTLER COUNTY PLANNING & ZONING COMMISSION
ON:
April 16, 2004

ADOPTED BY
THE BUTLER COUNTY BOARD OF SUPERVISORS
ON:
First Reading: May 11, 2004
Second Reading: May 25, 2004
Third Reading: Waived on May 25, 2004

EFFECTIVE DATE:
Upon Publication

PREPARED BY THE
IOWA NORTHLAND REGIONAL COUNCIL OF GOVERNMENTS

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BUTLER COUNTY, IOWA
ORDINANCE NUMBER VI No. 8

PURPOSE

To provide procedures and guidance for the approval of subdivisions, re-subdivision, or dedications in the unincorporated areas of Butler County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving and protecting the health, safety, and general welfare of the citizens; as well as repealing all other ordinances or resolutions in conflict herewith. This Ordinance is permitted and specifically authorized in Chapter 354, Platting - Division and Subdivision of Land, Code of Iowa, as amended

SECTION I
TITLE

An Ordinance repealing existing subdivision regulations or ordinances, and all of the amendments thereto

The following subdivision ordinance is enacted in lieu thereof as new ordinance number VI No. 8 and shall be known as the "Butler County, Iowa Subdivision Ordinance". This is an ordinance creating subdivision regulations for the purpose of protecting health, welfare, and public safety in the unincorporated areas of Butler County, Iowa

SECTION II
DEFINITIONS

A. For the purpose of this Ordinance, certain words and terms 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 mandatory; the word may is permissive

1. Acquisition Plat: The graphical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain

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

3. Alley or Lane: A public or private way not less than twenty (20) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation

4. Auditor's Plat: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.

5. Board/Board of Supervisors: The Board of Supervisors of Butler County, Iowa.

6. Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

7. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Butler County, Iowa.

8. Commission/Planning and Zoning Commission: The Butler County Planning and Zoning Commission

9 Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract

10 County: Butler County, Iowa

11. Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.

12 Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

13 Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations

14 Division: Dividing a tract or parcel of land into three (3) parcels of land by conveyance or for tax purposes The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of this Ordinance

15. Driveway: A private property access to a private or public street, road, alley, highway, or freeway. Driveways shall be built according to standards and locations set by County Engineer.

16 Easement: 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 a certain person or persons, 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 easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.

17 Engineer: An engineer is a licensed civil engineer authorized and licensed to practice engineering in the State of Iowa

18 Farm: An area comprising thirty-five (35) contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.

19 Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings may have been removed provided the land has not been cultivated.

20. Final Plat: The final map or plan of record of a subdivision and any accompanying material, as described in Section VI.

21. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances.

22 Lot: For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required Said lot shall have frontage on or access to a public street or private street and may consist of:

a A single lot of record;

b. A portion of a lot of record;

c A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

d A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

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, or the creation of any public improvements

24 Metes and Bounds: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.

25. Minor Plat: A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching a general agreement as to the form of the plat and the objectives of Section VII.

26 Minor Subdivision: Any subdivision which contains or creates not more than three (3) parcels fronting an existing road, not involving any new road or street, or the extension of municipal facilities or the creation of any public improvements or the dedication of lands to the county, 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

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

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 filed for record in the offices of the County Recorder, County Auditor, and County Assessor

29 Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

30 Parcel: A part of a tract of land.

31 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

32. Plat: A map, drawing, or chart, on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record

33. Preliminary Plat: The proposed map or plan of record of a subdivision and any accompanying material, as described in Section V

34 Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of this Ordinance

35 Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes

36 Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street

37 Street, Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision

38 Street, Road, Alleys, Drive or Entrance (Secondary Road System): All property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the county system by the Board of Supervisors

39 Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf

40 Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into three (3) or more lots, parcels, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision 'Subdivision' includes the division or development of residential or non-residential zoned land, whether by deed, sale on contract, devise, in testate succession, lease, map, plat, or other recorded instrument

41 Subdivision Agent: Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision

42. Subdivision Plat: The geographical 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

43. Surveyor: A licensed land surveyor authorized and licensed to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa

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

45 Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance

SECTION III
GENERAL PROVISIONS

A. Application. This Ordinance shall apply to all plats, replats, and divisions of land into parcels, any of which are less than thirty-five (35) acres or the aliquot part one-quarter (1/4) of one-quarter (1/4) section, and lying in the unincorporated area of Butler County, Iowa, including the subdivision of land within two (2) miles of any city. The division of land which can be adequately described by not less than the aliquot parts of one half (1/2) of one-quarter (1/4) of one-quarter (1/4) section shall not be subject to these regulations The provisions of this Ordinance shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel after the effective date of this Ordinance.

B Plats within Two Miles of a City or Town. For preliminary and final plats of land within two (2) miles of a city or town that has adopted ordinances regulating divisions of land within and outside of the city's boundaries, up to a limit of two (2) miles, the plats shall be filed by the developer or their agent with the municipality in accordance with the provisions of Sections 354 9 and 354 10 of the Code of Iowa or its successor, prior to or at the same time as filing with the County. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed

C. Subdivision Classification Any proposed subdivision or re-subdivision shall be classified as a minor subdivision or a major subdivision by the Zoning Administrator To aid in this, the subdivider shall submit in writing 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 subdivider's request

D Zoning Any property proposed for subdivision shall be correctly zoned to accommodate the proposed use(s) before the subdivision process is begun.

E. Review by Agencies. All plats shall be submitted to the Zoning Administrator for review prior to recording The Zoning Administrator shall refer one (1) copy each to the: County Auditor, County Assessor, County Engineer, and County Board of Health offices. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Butler County, as well as the State of Iowa, and submit their findings to the Zoning Administrator as soon as is possible, but within ten (10) days of receipt of the copy

SECTION IV
SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as the 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 the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and desirable neighborhood, and shall conform with design standards as approved by the Board of Supervisors

A GENERAL REQUIREMENTS

1. LAND SUITABILITY

No land shall be subdivided for residential purposes which is found to be unsuitable for subdividing 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 unless such unsuitable conditions are corrected to the satisfaction of the County

a If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission may re-affirm, modify or withdraw its determination of unsuitability.

b. Floodland All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. The disposition of all land in a subdivision, which lies in a floodplain, shall be as follows:

(1) Included within individual lots in the subdivision, or

(2) Reserved in open space for use by all owners of lots in the subdivision with an appropriate instrument providing for its care by such owners

c Subdivisions (including mobile home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of a one hundred (100) year flood

2 STREETS

a. Private Streets. Private streets, not dedicated to and accepted by the County, are allowed. If existing private streets are utilized, they shall be platted as such and be under the control of the subdivision, homeowners association, and/or subdivider.

b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than a seventy (70) foot right-of-way width, and in similar alignment, unless variations are recommended by the Planning and Zoning Commission and approved by the Board of Supervisors.

c 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 and Zoning Commission In a case where a street will eventually be extended beyond the plan but is temporarily dead-ended, an interim turn-a-round shall be required

d. Street Intersections. Street intersections shall be as near to right angles as possible The County shall require a minimum centerline offset of one hundred twenty-five (125) feet at intersections

e Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turn-a-round having a street property line diameter of at least one hundred twenty (120) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-a-round shall be a minimum of seventy (70) feet The property line at the intersection of the turn-a-round and the lead-in portion of the street shall be rounded at the radius of not less than thirty (30) feet. A paved cul-de-sac without curb and gutter shall have a minimum paved diameter of eighty-two (82) feet with a minimum shoulder width of four (4) feet of rock A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of eighty-eight (88) feet measured from the back of curb to back of curb.

f. Street Names All newly platted streets shall be named in a manner consistent with the Butler County E-911 System. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended though the various portions be at a considerable distance from each other, shall bear the same name New street names shall be subject to the approval of the Planning and Zoning Commission and Board of Supervisors so as to avoid duplication or similarity of names.

g Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area, and other natural features, which would lend themselves to attractive treatment

h. Half Streets. Dedication of half streets will be prohibited unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning and Zoning Commission

i. Alleys Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes Except where justified by unusual conditions, alleys will not be approved in residential districts Dead-end alleys shall be provided with a means of turning around at the dead-end thereof

j Easements.

(1) Easements for utilities, when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall be not less than ten (10) feet in total width In the event that there exists an easement in an adjacent subdivision, the ten (10) foot requirement may be reduced to five (5) feet to allow for a minimum ten (10) foot total easement.

(2) Whenever a subdivision is traversed by a water course, channel, drainageway or stream, stormwater drainage structure, a stormwater easement or drainage easement may be required The width of such easement shall be adequate for the anticipated drainage but not less than thirty (30) feet and shall be shown on the plat

(3) Any lot that has no frontage upon a public or private street shall be provided with an easement for access to a public or private street The width of such easement shall not be less than thirty-three (33) feet

(4) Easements to the County for road purposes shall not be allowed

k. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto

l. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning and Zoning Commission may require a sketch of the prospective future system of the unsubmitted part The street system of the part submitted shall be correlated with the street system of the part not submitted

m. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:

(1) Be so arranged as to permit, where necessary, future grade separations 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

n. Street Right-of-Way Width. The width of minor or residential street right-of-way shall not be less than seventy (70) feet

o. Street Alignments Streets and alleys shall be completed to grades, which have been officially determined or approved by the Board of Supervisors. All streets shall be graded to within two (2) feet of the right-of-way and adjacent sides slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets All street alignments, both horizontally and vertically, shall meet design criteria as specified in the current American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets

p. Culverts and Crossroad Drainage Structures Driveway culverts shall be designed for a twenty-five (25) year flood and a minimum of eighteen (18) inches in diameter, or as may be approved by the County Maintenance Supervisor. Crossroad drainage structures shall be designed for a fifty (50) year flood, or a minimum of twenty-four (24) inches in diameter, or as may be approved by the County Maintenance Supervisor

B BLOCKS

1 No block shall be longer than one thousand three hundred twenty (1,320) feet

2 At street intersections, block corners shall be rounded with a radius of not less than thirty (30) feet However, where a curve radius has been previously established, such radius shall be used as standard if greater than thirty (30) feet.

C LOTS

1 Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets

2 Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway

3 For the purpose of complying with minimum health standards and zoning requirements, the following minimum lot sizes shall be observed:

a Lots which cannot be reasonably served by a public sanitary sewer system and public water supply mains shall have a minimum width of one hundred fifty (150) feet, measured at the building line, and an area of not less than one and one-half (1.5) acres. On lots served by private on-site sewage disposal systems and private water supplies, the developer is encouraged to utilize a well-sharing system in order to maximize separation distances.

b Lots, which are connected to a public water supply main or are connected to a public sanitary sewer system, shall have a minimum lot width and lot area as is established in the Butler County Zoning Ordinance.

c Lots, which are connected to a public water supply main and to a public sanitary sewer system, shall have a minimum lot width and lot area as is established the Butler County Zoning Ordinance

4 Side lot lines shall be approximately at right angles to the street or radial to curved streets On large size lots and except when indicated by topography, lot lines shall be straight.

D IMPROVEMENTS (All improvement costs shall be borne by the developer)

1 STREETS AND ROADS

In addition to Section IV(A)(2), all streets or roads intended to be dedicated to public use and accepted into the County secondary road system shall meet the following criteria:

a All streets shall be put to grade and standard cross-section according to the plans approved by the County Engineer and Board of Supervisors prior to construction Either a rural (see Figure 1) or urban (see Figure 2) type cross-section may be used Both plan and profile view details shall be drawn to a scale of one inch equals one hundred feet (1"=100') horizontal and one inch equals ten feet (1"=10') vertical.

b. Paved streets without curb and gutter that incorporate open ditches as a means of stormwater drainage shall have a minimum surfaced width of twenty-four (24) feet with a minimum shoulder width of four (4) feet of rock (see Figure 1) Paved streets with concrete curb and gutter shall have a minimum width of thirty-one (31) feet measured from the back of curb to back of curb (see Figure 2)

c. All streets shall be paved with one of the following in accordance with specifications approved by the Board of Supervisors and County Engineer:

(1) Class B Portland Cement Concrete (PCC) paving with a minimum six (6) inch

thickness with a two (2) percent crown measured from the centerline of the street to the gutter or shoulder of the road

(2) Asphaltic Cement Concrete (ACC) paving with a minimum six and one-half (6 5) inch thickness of Type B asphaltic concrete with a two (2) percent crown measured from the centerline of the street to the gutter or shoulder of the road The sub-base shall be as follows:

(a) Sub-base course: six (6) inches of rolled stone base

(3) Other alternative construction materials and specifications acceptable to the Board of Supervisors and County Engineer.

(4) All construction and materials shall conform to the current Iowa Department of Transportation standard specifications and special provisions

d. Advance notice of construction is required

e All designs, specifications, materials, inspection results, and procedures shall be certified to the County Engineer by a duly licensed engineer. All roads to be dedicated to the County shall be inspected by the County, with the cost of said inspection being reimbursed to the County by the developer

Figure 1. Typical Rural Road Cross-Section (Pavement with Open Ditches).

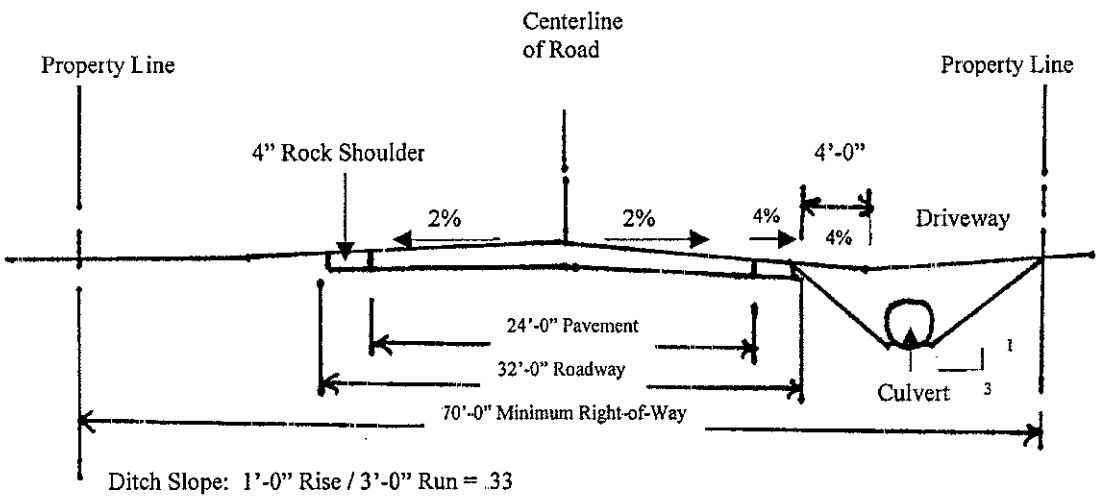
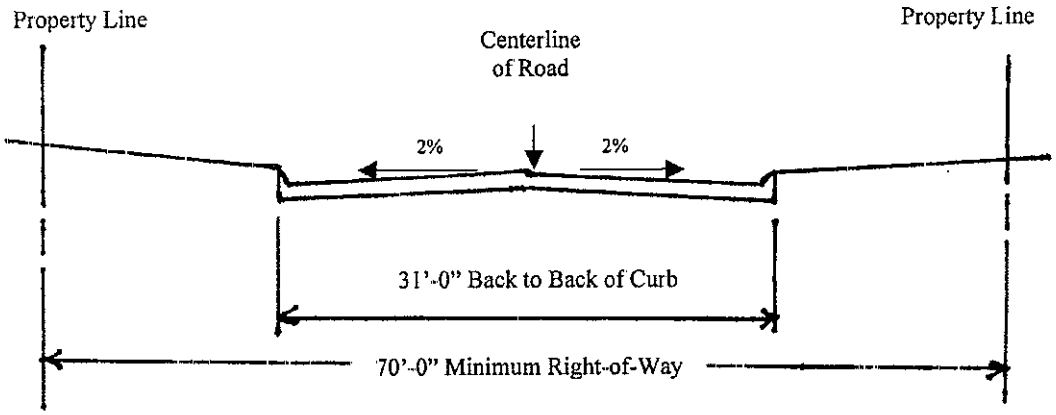


Figure 2. Typical Urban Road Cross-Section (Pavement with Curb and Gutter).



2. UTILITY SERVICE SYSTEMS

a. Individual septic and wells shall be constructed according to County standards.

b. Public sanitary sewers and water systems shall be installed within the street or right-of-way or established easements as required by the State and local ordinances

c. Gas mains shall be installed within the street right-of-way or an established easement

d. Electric and telephone lines shall be installed within the street right-of-way or established easements

e. All utility service systems shall be subject to approval by the County Engineer and Board of Supervisors

3. STORM DRAINAGE

a. Adequate storm sewers and inlets shall be provided where necessary

b. Natural waterways shall be maintained and protected

c. All stormwater facilities shall be subject to approval by the County Engineer and Board of Supervisors.

d. If the development covers an area of one (1) or more acres, the applicant must have the necessary Iowa Department of Natural Resources permit(s)

4. UTILITY LOCATIONS

The proposed location, alignment and sizes of all utilities, whether underground or overhead, and the

type of street construction shall be shown on the preliminary plat Approval of the preliminary plat will form the basis for final designs of all improvements.

All underground utilities to be located within the street right of way shall be constructed and service provided to each lot before paving of the street

5 SIGNS AND TRAFFIC CONTROL DEVICES

To insure uniformity with Butler County's street signage system, all street name signs and traffic control signs shall be erected in conformance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Butler County E-911 System. The Developer will be responsible for all costs associated with sign erection. Maintenance of all signs will remain the responsibility of the developer until, or unless, the streets or roads are accepted into the Butler County secondary road system

6 MAILBOXES, INCLUDING NEWSPAPER BOXES

Mailboxes and mailbox construction shall conform to Butler County Engineer and United States Postal Service standards.

7 PARKING

The depth and width of properties reserved and designed for residential, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Butler County Zoning Ordinance

SECTION V
PRELIMINARY PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)

A PRE-PRELIMINARY PLAN

Each subdivider of land is encouraged to confer with the Zoning Administrator before preparing the preliminary plat in order to become familiar with County regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat may be presented at that time.

B. NUMBER OF COPIES

Whenever the owner of any tract or parcel of land within the unincorporated area of the County wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plat of said subdivision, and shall submit six (6) copies of said preliminary plat and supportive information to the Zoning Administrator for preliminary study and approval.

C REFERRAL OF PRELIMINARY PLAT

The Zoning Administrator shall refer one (1) copy each to the County Auditor, County Assessor, County Engineer, and County Board of Health The developer or their agent shall provide one (1) copy of the preliminary plat to any City within two (2) miles of the subdivision for their comments and recommendations Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Butler County and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days.

D CONTENTS OF PRELIMINARY PLAT

Preliminary plats shall contain, include, or show the following requirements

1. Name of subdivision, date, an arrow indicating the northern direction, and the legal description of the property being platted

2 Plats shall be drawn on sheets not larger than twenty-four (24) inches by thirty-six (36) inches. The scale of the plat, preferably one inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet Larger subdivisions that require more than one (1) sheet shall show match lines and references.

3 Name and address of recorded owner and developer, if different than the owner

4. Name and address of developer's engineer or surveyor, as well as the seal and certificate thereof.

5. Existing buildings, railroads, utilities, and other rights-of-way.

6. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided

7. Location and names of adjoining subdivisions as well as a list of property owners within five hundred (500) feet of the property to be subdivided.

8 Proposed lot lines with approximate dimensions and the square foot area of each lot

9 Areas dedicated for public use, such as schools, parks and playgrounds.

10 Contour lines shown at intervals of two (2) feet

11 Building setback lines

12 Boundaries of the proposed subdivision shall be indicated by a heavy black line

13 Existing and proposed zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties

14 Proposed utility service:

a. Source of water supply.

b Provision for sewage disposal, stormwater drainage, and flood control, if applicable.

15. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.

16. Lots shall be numbered in a way that is acceptable to the County Auditor's office.

17. Existing and proposed easements showing widths and purposes of said easements

18. If applicable, the regulatory flood elevation data; limits of the one hundred-year floodplain boundaries, original and revised, must be shown

19. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area.

E. ACCOMPANYING MATERIAL

Results of soil percolation tests on each lot made by the developer's engineer shall accompany any plat that cannot feasibly be served by public sewer. Such tests shall be made in accordance with the Butler County Board of Health requirements.

F REVIEW BY THE PLANNING AND ZONING COMMISSION

1. Upon receipt of the report of the various offices referred to in Section V(C) above, as soon as possible, but not more than sixty (60) days after initial receipt of the plat by the Zoning Administrator, the Planning and Zoning Commission shall review said plat, consider said reports, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Planning and Zoning Commission shall give written reasons therefore. The preliminary plat may require more than one (1) Planning and Zoning Commission review.

2. Before considering a preliminary plat, the Planning and Zoning Commission may at its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper at least four (4), but not more than twenty (20), days before said public hearing.

3. If a public hearing is scheduled, as a courtesy, property owners and lessees within five hundred (500) feet may be notified of said public hearing.

G REVIEW BY THE BOARD

1. The Board of Supervisors shall then take action upon the preliminary plat, certifying its approval or disapproval. In case of disapproval, the Board shall give written reasons therefore. If approved, the preliminary plat shall be certified by resolution

2 The approval of the preliminary plat by the Board of Supervisors does not constitute acceptance of the subdivision, but shall authorize the developer to proceed with the preparation of the final plat

3 The 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, except upon application for and approval of an extension of such period of validity, by the Board of Supervisors

SECTION VI
FINAL PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)

A. NUMBER OF COPIES

Within one (1) year of approval of the preliminary plat, or extension thereto, by the Board of Supervisors, the subdivider shall submit six (6) copies of the final plat for review by the Zoning Administrator. Final plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted

B REFERRAL OF FINAL PLAT

The Zoning Administrator shall refer one (1) copy each to the County Auditor, County Recorder, County Assessor, County Engineer, and County Board of Health The developer or their agent shall provide one (1) copy of the final plat to any City within two (2) miles of the subdivision for their comments and recommendations. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Butler County and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days

C CONTENTS OF FINAL PLAT

Final plats shall contain, include, or show the following requirements

1 Name of subdivision and developer, as well as proof of ownership

2 Plats shall be drawn on sheets not larger than twenty-four (24) inches by thirty-six (36) inches, or a sheet size acceptable to the County Recorder The scale of the plat, preferably one inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet Larger subdivisions that require more than one (1) sheet shall show match lines and references

3 An arrow indicating the northern direction

4. Curve data including delta angle, length of arc, degree of curve, and the length and direction of the chord.

5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one (1) in ten thousand (10,000) for subdivision boundaries and shall not be greater than one (1) in five thousand (5,000) for an individual lot The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth acre, or square feet to the nearest ten (10) square feet.

6. Exact name, location, width, and designation of all streets within the subdivision Additionally alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and have the proposed use clearly designated

7 The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plan All such easements relative to their usage and maintenance shall be

approved by the Planning and Zoning Commission prior to the recording of the plat

8. Building setback lines with dimensions

9. Legal description of the property being subdivided

10. Lot numbers

11. Certificate of Survey

12. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.

D. ACCOMPANYING MATERIAL

1. Any restrictive covenants shall be submitted for review and recommendation by the County Attorney.

2. Any dedication or easement to the County for any property intended for public use

3. A proposed schedule of improvements to be made

4. Any other attachments that are required by the Code of Iowa

E. REVIEW BY THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall review the final plat in the same manner that they addressed preliminary plats, Section V(F), and forward its recommendation to the Board of Supervisors

F. ACTION BY THE BOARD

1. Upon receipt of the final plat and the required documents from the Commission, the Board will consider the recommendations of the reviewing offices. The Board shall approve or disapprove the final plat by resolution.

2. The Board may refuse to approve any plats for proposed subdivisions, which include improvements, or facilities that are subject to regulations and ordinances of the County Board of Health unless such improvements or facilities have been approved by that Department. The Board may disapprove a final plat for lots to be served by residential on-site sewage treatment systems, which includes any lot having an area less than the minimum area required by such applicable regulations and ordinances. In case of disapproval, the Board shall give written reasons therefore.

3. The passage of a resolution by the Board accepting the plat shall constitute final platting approval of the area shown on the final plat. The subdivider or owner 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. In addition, six (6) copies of the approved final plat and adopting resolution as well as one (1) copy of the completed plat proceedings with restrictive covenants shall be submitted to the Zoning Administrator by the developer or their agent.

G. IMPROVEMENTS

1. All standards and improvements described in Section IV shall be installed at the cost of the developer in accordance with the approved plans and specifications after acceptance of the final plat by the Board of Supervisors. All improvements shall be inspected by the developer's engineer and County Engineer and certified to the Board of Supervisors with the cost of said inspection by the County Engineer being reimbursed to the County by the developer.

2 Subdivisions may be developed in phases

3 After acceptance of the final plat by the Board of Supervisors, the developer shall enter into an agreement with the Board of Supervisors to ensure the completion of the improvements within a specific time period The agreement shall specify the improvements to be constructed, the schedule for completion of construction (each phase not to exceed three (3) years) and shall be accompanied with a performance bond, corporate surety bond, cash, or other surety approved by the County Attorney in an amount equal to one hundred (100) percent of the estimated cost of said improvements

4 The owner and subdivider of the land being platted shall be required to provide to the County property maintenance bonds, or other means satisfactory to the County Engineer and County Attorney, so as to insure that for a period of two (2) years from the date of acceptance and completion of any improvement, the owner and subdivider shall be responsible to maintain the improvements in good repair

SECTION VII
MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES

A. If classified as a "minor plat" by the Zoning Administrator, a copy of the proposed minor subdivision plat shall be prepared and submitted to the Zoning Administrator, said plat shall contain such information as required by this Ordinance or as may be specified by the Zoning Administrator.

B. If the Zoning Administrator shall determine that the "Minor Subdivision Plat" contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall forward copies of the submitted plat to the County Engineer, County Board of Health, County Auditor, County Assessor, and to such other agencies or persons as he may deem appropriate and necessary. The developer or their agent shall provide one (1) copy of the minor plat to any City within two (2) miles of the subdivision for their comments and recommendations Minor plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted

C. Review by Agencies. Within ten (10) working days following receipt of an application by the Zoning Administrator:

1 The County Engineer shall notify the Zoning Administrator that access onto the county road will, or will not, be granted and that other improvements do, or do not, conform to current standards

2 The County Board of Health shall notify the Zoning Administrator that the land so proposed to be subdivided is or is not suitable for the utilization of on-site sewage disposal systems or that sanitary sewers or other alternative systems of sewage disposal comply with all applicable Butler County and State of Iowa standards, and that the proposed or existing system of water supply complies with applicable Butler County and State of Iowa standards

3. Other agencies or persons shall notify the Zoning Administrator upon factors deemed appropriate and necessary.

D Within twenty (20) working days following the date of receipt of an application, or such additional period as the subdivider may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the Board of Supervisors

E The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to making consideration of the request. In any case, the Board shall approve or disapprove the minor plat by resolution. If disapproved, the Board shall provide written reasons therefore

F Limitations: This section shall not be applicable to a parcel of land of any size which has previously had a

subdivision severed from it For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the Butler County Auditor's plat books as of the effective date of this Ordinance

SECTION VIII
ISSUANCE OF ZONING CERTIFICATES

A No Zoning Certificates shall be issued in the subdivision prior to the time that the streets and easements affecting such lot are brought to the grade established in the construction plans

B No Zoning Certificates shall be issued for the final ten (10) percent of lots, or the final five (5) lots of a subdivision, whichever is greater, until all public improvements required by the Board of Supervisors for the plat have been fully completed and dedicated to the County.

SECTION IX
VACATION OF PLATS, STREETS, AND OTHER PUBLIC LANDS

Prior to consideration by the Board of Supervisors, all vacations of plats, streets, and other public lands shall be reviewed by the Planning and Zoning Commission. A recommendation from the Planning and Zoning Commission shall be forwarded to the Board of Supervisors

A. Vacation of Plats The owners of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Planning and Zoning Commission for review and recommendation After review by the Commission, the petition and recommendation are filed with the Board of Supervisors, and they shall set a time and place for a public hearing on the petition Written notice of the public hearing shall be provided by the petitioner to proprietors and mortgages within three hundred (300) feet of the area to be vacated If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen (14) days between publications, stating the date, time, and place of the public hearing.

The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

1. An instrument signed, executed, and acknowledged by all the property owners and mortgages within the area of the official plat to be vacated, declaring the plat to be vacated The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated

2 A resolution by the Board of Supervisors approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside for dedicated or public use.

3. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgages within the official plat

B Vacation of Streets and Other Public Lands The County may vacate a part of an official plat that had been conveyed to the County or dedicated to public which is deemed by the Planning and Zoning Commission and Board of Supervisors to be of no benefit to the public The County shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded The County may convey the vacated property by deed or may convey the property to adjoining property owners through the vacation

instrument If the vacating instrument is used to convey property then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed A recorded vacation instrument which conforms to this Section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor A vacation instrument recorded pursuant to this subsection shall not operate to annul any part of an official plat except as provided for in Section IX(A).

SECTION X
FEES

Non-refundable fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the Board of Supervisors Said fees shall include, but not be limited to, the following:

A Major Subdivisions.

B. Minor Subdivisions

C Vacation of Plats, Street, and Other Public Lands This fee shall not be administered and collected if the dedication or vacation is processed in the form of a plat and either minor or major subdivision fees are paid in lieu thereof.

D. Recording Fees, per a schedule on file in the County Recorder's Office

A copy of the Schedule of Fees shall be on file with the Zoning Administrator.

SECTION XI
VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Planning and Zoning Commission, may vary or modify such requirements to allow the subdivider to develop his property in a reasonable manner with due regard for the public welfare so that the interests of the County and surrounding area are protected and the general intent and spirit of this Ordinance is preserved The Board of Supervisors may place conditions on granted variances and/or exceptions that are intended to mitigate any real or perceived negative side effects of the plat on its surrounding.

SECTION XII
ENFORCEMENT

A. After the date of adoption of this Ordinance, no plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

B No road hereafter created in the unincorporated area of Butler County shall become a part of any road system as defined in Chapter 306 of the Code of Iowa; and no improvements shall be made by Butler County, nor shall Butler County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of this Ordinance unless such road or other facility shall have been first approved by the Board of Supervisors in accordance with the provisions of this Ordinance and the dedication thereof accepted as a public road or improvement.

C. Butler County shall not issue Zoning Certificates for any structure located on a lot in any subdivision developed after the date of adoption of this Ordinance that is located within the County unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.

D. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a County Infraction, the conviction of which shall constitute a misdemeanor authorizing a fine of not more than one hundred dollars ($100) or imprisonment for not more than thirty (30) days Each day such violation continues shall be considered a separate offense Nothing herein contained shall prevent Butler County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION XIII
SUBDIVISION ORDINANCE 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 should not become effective until after study, a properly notice public hearing is conducted, and a recommendation is made by the Planning and Zoning Commission in accordance with the provisions of Butler County and the Code of Iowa

SECTION XIV
REPEALER

Any ordinance, resolution, policy, or part thereof, which conflicts with the provisions contained herein is hereby repealed

SECTION XV
SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional

SECTION XVI
EFFECTIVE DATE

This Ordinance, adopted as Ordinance VI No. 8, shall be in full force and effect upon publication

Final passage and adoption of this Ordinance was documented on the 25th day of May 2004.

John Zimmerman

Chair
Butler County Board of Supervisors

Date

Attest:

Holly A Hokkanen

Butler County Auditor

Date

STATE OF IOWA

COUNTY OF BUTLER

On this 8 day of June, 2004, before me the undersigned, a Notary Public in and for said County and State, personally appeared **John Zimmerman** and **Holly A. Fokkena**, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of Butler County, Iowa, respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said Butler County, Iowa, by authority of its Board of Supervisors and pursuant to Ordinance I, No. 1, of said Board; and that said **John Zimmerman** and **Holly A. Fokkena** as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.

NOTARIAL SEAL IOWA
JOAN C. BECKER
Commission Number 170603
My Comm. Exp. 7-19-2005

Joan C Becker

Notary Public In and For Said County
And State of Iowa