

## Title 5 - Property and Land Use

### Chapter 46 - Subdivision Regulations

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**46.01 Title and Jurisdiction**

This chapter may be known and cited as the “Subdivision Ordinance” of Warren County, Iowa. This chapter shall apply to all subdivisions hereafter made of land in the unincorporated area of Warren County, except lands within two (2) miles of a City which has enacted subdivision regulations in accordance with the provisions of Iowa Code § 354.9, as amended. In cases where a subdivision lies within two (2) miles of such a City, the City Council of such city and the Warren County Board of Supervisors may cooperate and agree that the approval of a plat by the City Council and City Planning Commission shall be conditioned upon receiving advice from, or approval by, the Warren County Zoning Commission and Board of Supervisors as provided by Section 46.02 of this Chapter.

**46.02 Plats in Unincorporated Areas Within Two Miles of Corporate Limits of Cities**

With regard to subdivisions located in the unincorporated area of Warren County, within two (2) miles of the corporate limits of cities that have enacted subdivision regulations in accordance with the provisions of Iowa Code § 354.9, as amended, the provisions of this chapter shall apply. However, the City Planning Commission and the City 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 Warren County Zoning Commission under the provisions of this chapter. In such instance, the Warren County Zoning Commission shall furnish the City Planning Commission with a copy of the said subdivision, as approved, certifying that all requirements of the Warren County Subdivision Ordinance have been met. 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 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.

**46.03 Definitions**

For the purpose of this chapter, 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. “*Auditor’s Plat*” means a subdivision plat required by either the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation, prepared by a surveyor under the discretion of the Auditor, as defined by Iowa Code § 354, as amended.
2. “*Block*” means an area of land within a subdivision that is entirely bounded by streets or highways, or by streets or highways and the exterior boundary or boundaries of the subdivision.
3. “*Board*” means the Board of Supervisors of Warren County.

4. *“Buildable Lot”* means a legally recorded lot, parcel, or tract of land that meets all applicable zoning, environmental health, access, and subdivision requirements and is eligible for the issuance of a Building Permit for a principal structure. A buildable lot shall have legal and physical access to a public road or County approved private drive and shall comply with minimum lot width and setback standards of the applicable zoning district.
5. *“Building Line”* means a line on a plat between which line and public or private right-of-way line where no buildings or structures may be erected.
6. *“Zoning Commission”* means the Warren County Zoning Commission.
7. *“Cul-de-sac”* means a short, minor street, having one (1) end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
8. *“Developer’s Agreement”* means a written contract between the subdivider (or developer) and the County that sets forth the terms, conditions, and obligations under which the subdivider will design, construct, install, and maintain required public improvements (roads, utilities, drainage, sidewalks, etc.) serving the subdivision, provides financial security to guarantee performance and maintenance, specifies deadlines, inspection, acceptance and dedication procedures, binds successors; and ensures compliance with the approved construction plans, specifications, and subdivision regulations in force at the time of agreement. Also referred to as a *“Development Agreement”* or *“Subdivision Improvement Agreement.”*
9. *“Division”* means dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes as defined by Iowa Code § 354, as amended.
10. *“Easement”* means the right of a person or corporation to use land of another for a definite purpose.
11. *“Engineer”* means a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
12. *“Farm Lot”* means a lot, parcel, or tract of land within the AG (Agricultural) zoning district that is primarily intended for agricultural production or use in support of agricultural operations, including but not limited to, cropland, pasture, livestock raising, or related accessory farm structures. For the purposes of a Simple Agricultural Division, a Farm Lot shall be considered the portion of the Parent Tract retained for continued agricultural use and shall meet the minimum lot width and setback requirements of the AG (Agricultural) zoning district.
13. *“Lot”* means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
14. *“Lot Line Adjustment”* means a minor modification of the boundary line between two (2) or more contiguous lots or parcels that does not create additional lots or building sites and is completed by Plat of Survey in accordance with Iowa Code § 354, as amended. Also referred to as Boundary Adjustment.

15. *“Lot-Tie Agreement”* means a recorded legal instrument, executed by the property owner(s) and approved by the County, which combines or consolidates two (2) or more contiguous lots, parcels, or tracts of land under common ownership into a single, unified lot for purposes of development or regulation. The agreement shall restrict the separate conveyance, transfer, or development of the individual lots and shall run with the land until formally released by the County or superseded by an approved subdivision or replat. Also referred to as *“Lot Combination.”*
16. *“Nominal Acreage”* means a lot, parcel, or tract of land that is within ten percent (10%) of the required minimum (gross) lot area. This definition applies exclusively to AG (Agricultural) zoning district.
17. *“Non-Buildable Lot”* means a lot, parcel, or tract of land that does not meet the minimum requirements for development under the applicable zoning, health, or subdivision regulations. A non-buildable lot may be created for purposes such as open space, stormwater management, agricultural preservation, or utility easements, and shall not be eligible for a Building Permit unless reconfigured or reapproved through a subdivision or zoning process.
18. *“Non-Farm Lot”* means a lot, parcel, or tract of land within the AG (Agricultural) zoning district that is intended primarily for residential use, specifically for the placement of a non-farm single-family detached dwelling, rather than agricultural production. For the purposes of a Simple Agricultural Division, a Non-Farm Lot shall be the portion of the Parent Tract divided from agricultural land to accommodate a non-farm single-family dwelling and shall have a minimum lot area of two (2) gross acres and comply with all bulk regulations applicable to the AG (Agricultural) zoning district.
19. *“Outlot”* means a portion of a subdivision intended as a unit for the proposed (whether immediate or future) transfer of ownership. An outlot shall be an unbuildable lot, in and of itself. Outlots are typically reserved for future development, stormwater management, private access, or other non-residential purposes and shall not be considered buildable unless re-subdivided or re-platted in accordance with this Ordinance.
20. *“Parent Tract”* means the lot, parcel, or tract of record as it existed on the effective date of this Ordinance, from which two (2) total resulting lots are created for the purposes of a Simple Division or Simple Agricultural Division.
21. *“Plat”* means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
22. *“Plat of Survey”* means a graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, including a legal description, prepared by a licensed professional land surveyor as defined by Iowa Code § 355, as amended. For this Ordinance, a Plat of

- Survey shall be used for Lot Line Adjustments, Lot-Tie Agreements, Simple Divisions, or Simple Agricultural Divisions not requiring full Minor or Major Subdivision procedures.
23. *“Plat, Final”* means the final drawing or drawings, prepared in accordance with the requirements of this Chapter, of the subdivision and any accompanying material, prepared for filing and recordation, that incorporates all changes or requirements imposed by the County in its approval of the Preliminary Plat.
  24. *“Plat, Preliminary”* means a preliminary drawing or drawings, prepared in accordance with the requirements of this Chapter, showing the proposed layout of the subdivision and the improvements to be installed therein.
  25. *“Private Road”* means a road or street in a subdivision not dedicated and/or accepted by Warren County as a public road or street but built in accordance with standard specifications of Warren County. Maintenance of said private road or street shall not be the responsibility of Warren County.
  26. *“Proprietor’s Plat”* means a plat as defined herein submitted by the owner of the land being platted, or an agent or other private entity, acting with the consent of the owner.
  27. *“Public Improvements”* means any infrastructure, facility, or utility that is required to be constructed, installed, dedicated, or otherwise provided for public use or maintenance as a condition of subdivision approval. Public improvements include, but are not limited to, public streets and rights-of-way, sidewalks, storm sewers, sanitary sewers, water mains, drainageways, bridges, culverts, street lighting, fire hydrants, or other utilities and appurtenances intended for public ownership or service.
  28. *“Public Road”* means a road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of Warren County and for which an easement has been granted and accepted by Warren County.
  29. *“Simple Division”* means the legal division of a single lot, parcel, or tract of land, designated as the associated “Parent Tract” in the Simple Division, into two (2) smaller lots, with the intent of creating new, legally distinct lots, not requiring new public or private roads, streets, utilities, or other public improvements. Also referred to as a “Lot Split.”
  30. *“Site Plan”* means a plan prepared to scale showing accurately and with complete dimensioning, the boundaries of a site and location of all buildings, structures, uses, drives, parking, drainage, utilities, landscape features, and other principal site development improvements for a specific parcel of land.
  31. *“Subdivision”* means the division of a lot, tract, or parcel of land that creates at least three (3) lots, parcels, or other divisions of land for the purpose of immediate or future sale or transfer or building development.
  32. *“Simple Agricultural Division”* means the legal division of a single lot, parcel, or tract of land zoned AG (Agricultural), designated as the associated “Parent Tract” in

- the Simple Agricultural Division, into two (2) smaller lots, through a Plat of Survey, for the purpose of creating a non-farm single-family dwelling lot and an associated farm lot. A Simple Agricultural Division shall not require the installation or extension of public or private roads, utilities, or other public improvements.
33. “*Subdivision, Major*” means a subdivision of land that creates five (5) or more lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development and/or requiring the installation or extension of public or private roads, utilities, or other public improvements within the subdivision.
34. “*Subdivision, Minor*” means a subdivision of land that creates at least three (3) but no more than four (4) lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development with no public or private roads and no public improvements within the subdivision.
35. “*Surveyor*” means a registered land surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.
36. “*Right-of-Way*” means the total area of land, whether reserved by public ownership or easement, that is reserved for the operation and maintenance of a legally established public roadway. This usually includes the road, shoulder, portions of the ditch, and/or buffer land. It is the portion of land upon which facilities such as streets and utilities are constructed. It is the legal right of a person, vehicle, or utility to use this parcel of land, as granted, to pass over property owned by another party, per Iowa Code § 318.1(3), as amended.
37. “*Right-of-Way, Public Road*” means an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes. The right-of-way for all secondary roads is sixty-six (66) feet in width, unless otherwise specified by the Warren County Board of Supervisors, per Iowa Code § 306.3, as amended.

#### **46.04 Land Division Application, Review, and Approval Process**

1. *Applicability.* The requirements of this section apply to all land division applications reviewed under the Warren County Subdivision Ordinance, including Plats of Survey, Lot Line Adjustments, Lot-Ties/Combinations, Simple Divisions, Simple Agricultural Divisions, Preliminary Plats, Final Plats, and Auditor’s Plats. No division of land shall be recorded, sold, or transferred until approval has been granted in accordance with the procedures of this Ordinance.
2. *Authority.* The Zoning Administrator is responsible for the administration and enforcement of the regulations of the Subdivision Ordinance and shall serve as the primary reviewing official for all land division applications.
3. *Duties.* In addition to the powers and duties set forth in the Zoning Ordinance, the Zoning Administrator shall, with respect to land divisions:
  - a. Receive, review, and determine completeness of land division applications.

- b. Coordinate technical review with the County Engineer, County Environmental Health Department, and other affected departments or agencies as appropriate.
  - c. Prepare reports and recommendations for the Zoning Commission and Board of Supervisors.
  - d. Approve, where authorized, administrative plats such as Plats of Survey, Lot Line Adjustments, Lot-Tie Agreements, Simple Divisions, and Simple Agricultural Divisions that do not require public improvements or public hearings.
- 4. *Duties of the Zoning Commission and Board of Supervisors.* The Zoning Commission shall review and make recommendations on land division plats as required, and the Board of Supervisors shall act as the final approval authority for all recorded plats, dedications, and public improvements.
- 5. *Authority to File Land Division Applications.* Unless otherwise specified in this section, a land division application may be initiated:
  - a. When multiple property owners, contract purchasers, or other parties hold an interest in the property, all such persons shall sign the application.
  - b. By a person or entity authorized in writing by the property owner to act on the owner's behalf. The authorized agent shall provide a signed authorization from the fee title owner stating that the owner agrees to be bound by all decisions, agreements, and conditions made by such agent.
  - c. By the County, including the Zoning Administrator or Board of Supervisors, may initiate a subdivision process such as an Auditor's Plat under Iowa Code § 354.13 to resolve boundary or title discrepancies.
- 6. *Application Submission Schedule.* The schedule for the submission of applications shall be maintained by the Zoning Administrator and made available to the public.
- 7. *Application Contents.*
  - 1. *Organization and Copies.* The organization of applications and the number of copies of required information to be submitted shall be determined by the Zoning Administrator.
  - 2. *General Submittal Requirements.* All applications shall include:
    - a. A completed Warren County land division application form.
    - b. Verification of authority to file applications per the requirements of the subsection above.
    - c. A legal description of the property(s).
    - d. Supporting title information establishing ownership interests in the property (i.e., a title commitment and/or signature of fee title property owner).
    - e. All submittal requirements outlined in this chapter for the specific land division application type.

- f. Electronic copies of all written narratives and plan sets required by the Zoning Administrator as part of the specific land division application.
8. *Amendments.* The Board of Supervisors may amend, supplement, or repeal the regulations of this Chapter after a public hearing has been held at a Zoning Commission meeting. An amendment may be initiated by the Board of Supervisors, Zoning Commission, or by petition. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the County not less than four (4) days nor more than twenty (20) days before the date of hearing.
9. *General Land Division Application Procedures.*

*Table 1: Summary of the Roles of Decision-Making Bodies*

<b>Procedure</b>	<b>Zoning Administrator</b>	<b>Zoning Commission</b>	<b>Board of Supervisors</b>
Plat of Survey (Lot Line Adjustment, Lot-Tie, Simple Division, Simple Agricultural Division)	R, D		
Auditor's Plat (per Iowa Code § 354.15, as amended) <sup>1</sup>	R	R	H, D
Preliminary Plat (required for Major Subdivision)	R	H, R	H, D
Final Plat (required for Minor and Major Subdivisions)	R	H, R	H, D

1. H = Hearing (public hearing required)
2. D = Decision (responsible for final decision)
3. R = Recommendation (responsible for review and a recommendation)
4. <sup>1</sup> While prepared by the County Auditor (not applicant-initiated), Board of Supervisors must approve it if it changes boundaries or creates new parcels. The Zoning Administrator typically coordinates review to ensure compliance.



**46.05 Fee Schedule**

Reasonable land division application fees shall be established by resolution of the Board of Supervisors from time to time to help defray the administrative costs associated with the review and processing of land division applications and other administrative duties required under this Chapter.

Each land division application submitted pursuant to this Ordinance shall be accompanied by the applicable fee as set forth in the current fee schedule, available on the Warren County website. Payment shall be made payable to the Warren County Zoning Department by cash, card, or check payment. These fees are intended to cover administrative expenses, including, but not limited to, staff review time, public meeting preparation, and the costs of publishing, mailing, or posting public notices, where applicable.

All fees are non-refundable, regardless of whether the application is approved, denied, withdrawn, or otherwise not enacted. No application shall be deemed complete or processed until the required fee has been received.

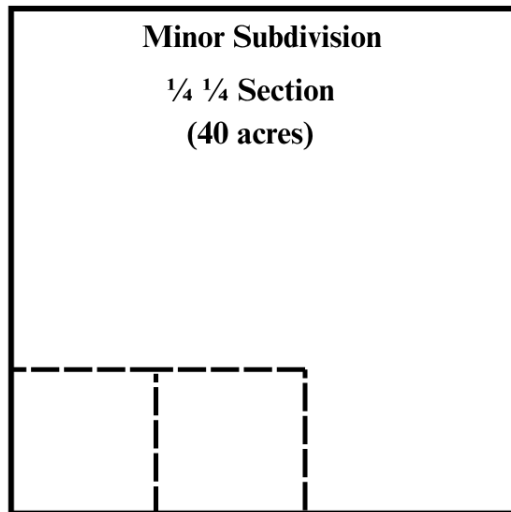
**46.06 Minor Subdivision**

A Minor Subdivision process is established to prescribe uniform procedures for subdivisions of land that create at least three (3) but no more than four (4) lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development with no public or private roads and no public improvements within the subdivision. The following provisions establish a review process and review standards for a Minor Subdivision.

1. *Preliminary Plat Not Required.* Because a Minor Subdivision does not include the creation of public improvements, the subdivider is not required to submit a Preliminary Plat. The public interest is served by submittal, review, and approval of a Final Plat only. However, if during review of the Final Plat, County staff, the Zoning Commission, or the Board of Supervisors determines that additional information is necessary to ensure adequate review, the subdivider may be required to submit any materials typically required with a Preliminary Plat.
2. *Application Requirements.* All applications for a Minor Subdivision shall satisfy the following development criteria to be approved:
  - a. Application form and filing fee.
  - b. Written statement addressing the following:
  - c. A written statement identifying:
    - i. The specific quarter section(s), township, parcel identification numbers, number of lots, total subdivision area in acres, and civil township location.
    - ii. The purpose of the subdivision (i.e., sale, transfer, or development).

- iii. A plat prepared in accordance with the standards of Chapter 46, and any other supporting documentation as required by the Zoning Administrator to ensure full and proper review.
- 3. *Standards and Procedure for Approval.* The Minor Subdivision shall be reviewed and approved based on the standards applicable to a Final Plat, as set forth in Section 46.14.

*Figure 1: Minor Subdivision Diagram*



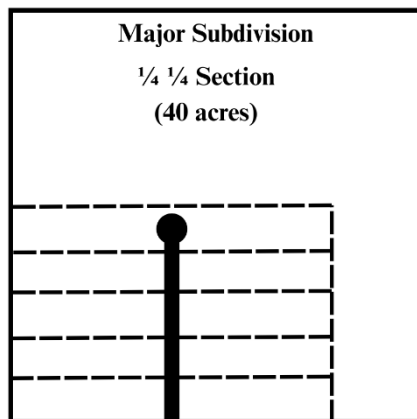
#### **46.07 Major Subdivision**

A Major Subdivision process is established to prescribe uniform procedures for subdivisions of land that create five (5) or more lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development and/or public improvements within the subdivision, including, but not limited to, the installation or extension of public or private roads, utilities, or other public improvements. The following provisions establish a review process and review standards for a Major Subdivision.

1. *Application Requirements.* All applications for a Major Subdivision shall satisfy the following development criteria to be approved:
  - a. Application form and filing fee.
  - b. Written statement addressing the following:
  - c. A written statement identifying:
    - 1) The specific quarter section(s), township, parcel identification numbers, number of lots, total subdivision area in acres, and civil township location.
    - 2) The purpose of the subdivision (i.e., sale, transfer, or development).
    - 3) A plat prepared in accordance with the standards of Chapter 46, and any other supporting documentation as required by the Zoning Administrator to ensure full and proper review.
2. *Standards and Procedure for Approval.*

- a. The Major Subdivision shall be reviewed and approved based on the standards applicable to a Preliminary Plat, as set forth in Section 46.13 and Final Plat, as set forth in Section 46.14.
- b. The Preliminary Plat and Final Plat for a Major Subdivision may be reviewed concurrently, provided all required materials are submitted and the proposal meets the standards of both plats.
- c. The Zoning Commission shall hold at least one (1) public hearing on the Preliminary Plat and shall forward a recommendation to the Board of Supervisors. The Board of Supervisors shall take final action following the public hearing.
- d. No construction of public or private improvements shall commence until the Final Plat has been approved and all necessary improvement plans have been reviewed and accepted by the County Engineer.
- e. All Major Subdivisions shall be consistent with the Warren County Comprehensive Land Use Plan and shall meet all applicable requirements of the Warren County Zoning Ordinance and Chapter 46, Subdivision Regulations.

*Figure 2: Major Subdivision Diagram*



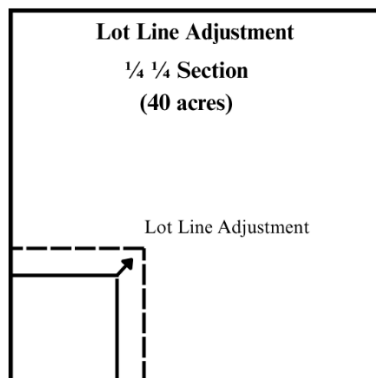
#### **46.08 Lot Line Adjustment**

A Lot Line Adjustment process is established to prescribe uniform procedures for the review and approval of minor modifications to the boundary lines between two (2) or more contiguous lots, parcels, or tracts of land that do not create additional lots or building sites, do not alter existing public rights-of-way, and do not require the installation or extension of public improvements. The purpose of a Lot Line Adjustment is to allow the relocation or reconfiguration of property boundaries or easements to correct survey errors, clarify legal descriptions, or improve lot design, while ensuring compliance with the Warren County Zoning Ordinance and Subdivision Regulations. The following provisions establish a review process and review standards for a Lot Line Adjustment.

1. *Applicability.* A division of a parcel to allow all or a portion of one parcel to be incorporated into one (1) or more abutting parcels shall qualify as a Lot Line Adjustment if all of the following conditions are met:
  - a. Any new parcel created as a result of the adjustment is immediately incorporated with an abutting parcel into a unified parcel under single ownership.
  - b. The total number of parcels at the conclusion of the adjustment does not exceed the number of parcels prior to the adjustment.
  - c. No new parcels or buildable lots are created, and no existing public rights-of-way are vacated, altered, or dedicated.
  - d. All parcels resulting from the adjustment comply with the minimum lot width and setback requirements of the applicable zoning district and meet all access and environmental health regulations.
  - e. The adjustment does not require the installation or extension of public improvements such as streets, water mains, or sewer lines.
2. *Purpose and Types.* Lot line adjustments may include:
  - a. Adjustments of boundary lines and/or easements between two (2) or more abutting parcels; or
  - b. Corrections to an existing recorded plat, for purposes including but not limited to:
  - c. Correcting an error in any course, bearing, or distance shown on a prior plat.
  - d. Adding a missing course, bearing, or distance to a prior plat.
  - e. Correcting an error in the description of real property shown on a prior plat.
  - f. Indicating monuments set after the death, disability, or retirement of the original surveyor.
  - g. Showing the proper location or character of a monument originally shown incorrectly on a prior plat.
  - h. Correcting scrivener's or clerical errors or omissions previously approved by the Zoning Commission or Board of Supervisors, including but not limited to: lot numbers, acreage, road or street names, or identification of adjacent recorded plats.
  - i. Correcting an error in the courses or distances of lot lines between two (2) adjacent lots, where both owners join in the application and neither lot is abolished, provided such correction does not alter covenants, restrictions, or materially affect the property rights of other owners.
3. *Application.* All lot line adjustment applications properly signed by the property owner and all additional application requirements shall be submitted to the Planning and Zoning Department, including:
  - a. An application form and filing fee.
  - b. Verification of ownership or authorization to file.
  - c. A Plat of Survey prepared by a licensed professional land surveyor in accordance with Iowa Code § 355, as amended.

- d. Any other information the Zoning Administrator determines necessary to review the application.
4. *Review Process.* A lot line adjustment may be reviewed and approved administratively by the Zoning Administrator provided that all applicable conditions of this Ordinance and the Zoning Ordinance are met. The Zoning Administrator may also distribute the Plat of Survey to the County Engineer, County Environmental Health Department, or other affected agencies for technical review and comment prior to approval.
5. *Decision and Recording.* If approved, upon approval, the applicant shall cause the approved Plat of Survey and deed(s) to be recorded in the County Recorder's Office in accordance with Iowa Code § 354, as amended. No further review or approval by the Zoning Commission or Board of Supervisors is required, unless the adjustment is associated with a subdivision or requires a vacation, dedication, or other action under Iowa law.
6. *Effect of Approval.*
  - a. Upon recording, the adjusted boundary lines shall replace and supersede previous property descriptions.
  - b. The Lot Line Adjustment shall not be deemed to create a new lot for development purposes unless expressly approved as part of a separate subdivision process.
  - c. Any subsequent development, division, or sale of the adjusted parcels shall comply with all applicable Zoning, Subdivision, and other applicable County regulations.

Figure 3: Lot Line Adjustment Diagram



#### **46.09 Lot-Tie Agreement**

A lot-tie/combination process is established to allow applicants to legally combine or consolidate two (2) or more adjacent lots, parcels, or tracts of land into a single, unified lot, which restricts the future division or transfer of the parcels separately. A lot-tie agreement is a legal document where the property owner agrees that the combined lots, parcels, or tracts of land will remain under the same ownership and cannot be sold separately without County approval and this

agreement is recorded in the County Recorder's Office. The following provisions establish a review process and review standards for lot-tie agreements.

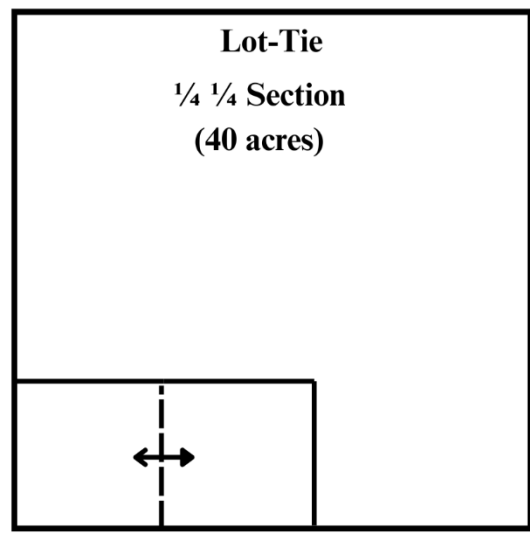
1. *Application.* All lot-tie/combination applications must be properly signed by the property owner and all additional application requirements shall be submitted to the Planning and Zoning Department, including:
  - a. Application form and filing fee.
  - b. A Plat of Survey prepared and certified by a licensed professional land surveyor in accordance with Iowa Code § 355, as amended.
  - c. Legal descriptions of the original lots, parcels, or tracts of land as they exist prior to the combination.
  - d. A deed and agreement, signed by the property owner, that the one (1) resulting lot, parcel, or tract of land will remain under the same ownership, unless subsequently subdivided or otherwise approved by the County in accordance with the requirements of law.
  - e. Any other information the Zoning Administrator determines necessary to review the application.
2. *Review Process.*
  - a. The Zoning Administrator shall review the proposed lot-tie agreement application for compliance with the Standards for Approval outlined below and the Zoning and Subdivision Ordinance, and may approve, approve with conditions, or deny the lot-tie agreement application.
3. *Standards for Approval.* All lot-tie/combination applications shall satisfy the following standards for the application to be approved:
  - a. The proposed lot-tie/combination results in only one (1) lot, parcel, or tract of land without any remnant lots, parcels, or tracts of land.
  - b. The lot-tie/combination does not create any violation of lot or development standards under the Zoning Ordinance, including the bulk regulations of the respective zoning district. If the existing lot, parcel, or tract of land is nonconforming, the proposed lot-tie/combination does not increase the nonconformity.
  - c. All lots, parcels, or tracts of land subject to the lot-tie agreement are under common ownership, and the property owner has agreed to the combination.
  - d. The legal descriptions are accurate and conform with legal requirements and standards as determined by the County Engineer.
  - e. The deed and agreement are legally sufficient to affect the combination as determined by the Warren County Attorney's Office.
4. *Decision.* Once the lot-tie application is filed with the Zoning Administrator, the Zoning Administrator and/or appropriate County Staff shall review the application within thirty (30) days and the Zoning Administrator and/or appropriate County Officials shall approve,

approve with conditions, or deny the application in writing within sixty (60) days of receipt of the completed application.

- a. If approved, the applicant shall record with the Warren County Recorder a deed and agreement that includes the following:
  - 1) A notice of approval signed by the Zoning Administrator.
  - 2) The notarized signature of the property owner.
  - 3) The legal descriptions of the original lots, parcels, or tracts of land, and the resulting combined lot, parcel, or tract of land.
  - 4) A deed and agreement, signed by the property owner, that the resulting parcel or lot will remain under the same ownership unless subsequently subdivided or otherwise approved by the County in accordance with the requirements of law.
- b. If denied, a notice of the decision shall be sent to the applicant specifying the reasons for denial and advising them that they may appeal the decision to the Board of Adjustment pursuant to Chapter 43, Enforcement and Administration.

5. *Supplemental Standards.*

- a. Once combined, lots, parcels, or tracts of land may not be restored except through approval of a subdivision.
- b. Once combined, the prior lots, parcels, or tracts of land may not be sold or conveyed separately without approval of a subdivision or other procedure authorized under this Zoning Ordinance.
- c. This Ordinance does not limit the ability of property owners to combine the legal descriptions of separate lots, parcels, or tracts of land for taxing or sale purposes without following the requirements of this Ordinance. However, lots, parcels, or tracts of land combined only for taxing or sale purposes remain separate lots, parcels, or tracts of land for purposes applying the Zoning Ordinance until or unless they are combined following the provisions of this Ordinance.
- d. This Ordinance also prohibits encroaching on easements. When combining lots, parcels, or tracts of land, into one (1) lot, any intervening easements will need to be abandoned.

*Figure 4: Lot-Tie Diagram***46.10 Simple Division**

A Simple Division process is established to prescribe uniform procedures for the administrative review and approval of minor divisions of land that create no more than two (2) new lots and do not require the construction or extension of public improvements. The purpose of a Simple Division is to allow the efficient creation of limited new buildable lots that comply with zoning, environmental health, and access standards without the need for full subdivision review procedures. The following provisions establish the review process and review standards for a Simple Division.

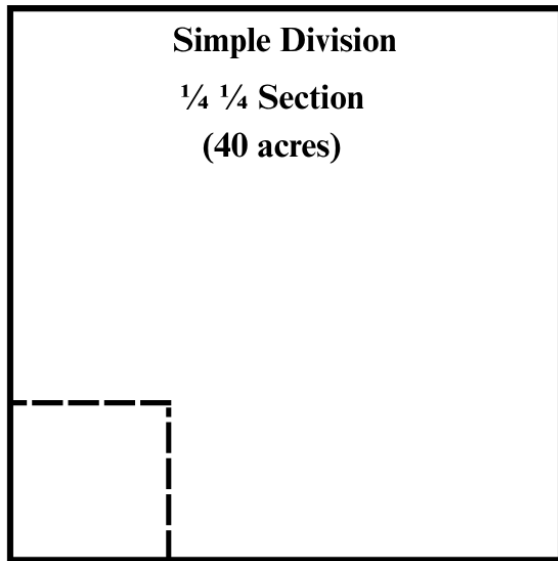
1. *Applicability.* A division of a lot, parcel, or tract of land into no more than two (2) lots shall qualify as a Simple Division if all of the following conditions are met:
  - a. The division results in no more than two (2) new buildable lots and does not require the construction or extension of public improvements or utilities.
  - b. Each resulting lot complies with the minimum lot area, width, setback, and other applicable zoning district regulations.
  - c. Each resulting lot has legal and physical access to an existing public road or an approved private drive that meets County standards.
  - d. The division does not create or leave any unbuildable remnants or outlots, except where specifically approved for open space, stormwater management, or agricultural preservation purposes.
  - e. All required easements for utilities, drainage, or access are shown on the Plat of Survey.
  - f. The division is not part of a previously approved division of land or Simple Agricultural Division designated parent tract that has exhausted its allowed number of buildable lots under this Ordinance.



- g. The division complies with all applicable provisions of the Warren County Zoning Ordinance, Comprehensive Land Use Plan, and Subdivision Regulations.
- 2. *Application.* All simple division application properly signed by the property owner and all additional application requirements shall be submitted to the Planning and Zoning Department, including:
  - a. A completed application form and fee.
  - b. Verification of ownership or authorization to file.
  - c. A Plat of Survey prepared and certified by a licensed professional land surveyor in accordance with Iowa Code § 355, as amended.
  - d. Legal descriptions of the parent tract and each resulting lot.
  - e. Documentation verifying ownership of the parent tract.
  - f. A statement identifying the existing land use, zoning, and Future Land Use Map designation for the subject property.
  - g. A statement identifying the proposed land use and zoning for the resulting lots, though an approved Simple Division shall not, by itself, constitute approval of any rezoning, Comprehensive Land Use Plan Amendment (including amendments to the Future Land Use Map), site plan, or permit application. All subsequent development proposals shall be reviewed independently for consistency with applicable zoning regulations and ordinances.
  - h. Any additional documentation required by the Zoning Administrator, including evidence of adequate access, drainage, and utility service or on-site systems.
- 3. *Review Process.* A simple division shall be reviewed and approved administratively by the Zoning Administrator, with concurrent review and comment by the County Engineer and County Environmental Health Department (if applicable). The Zoning Administrator may distribute the Plat of Survey to other relevant County departments or utility providers for technical review as deemed necessary.
- 4. *Standards for Approval.* The Zoning Administrator shall approve a simple division if it meets all requirements of this Ordinance and the Zoning Ordinance, and if adequate access, utilities, and environmental health facilities are available to serve the lots.
- 5. *Recording.* Upon approval, the applicant shall cause the approved Plat of Survey and any accompanying deed(s) to be recorded in the County Recorder's Office in accordance with Iowa Code § 354, as amended.
- 6. *Supplemental Standards.*
  - a. Any further division of the resulting lots shall be subject to the Minor or Major Subdivision procedures and requirements of this Ordinance.
  - b. If during review it is determined that a proposed division:
    - i. Requires the construction, extension, or dedication of public improvements;
    - ii. Creates additional buildable lots beyond those permitted under this section; or

- iii. Otherwise fails to comply with County Subdivision, Zoning, or other applicable standards; then the applicant shall be notified that the proposal constitutes a subdivision under this Ordinance. No Building Permit shall be issued until a subdivision plat has been prepared, reviewed, approved, and recorded in accordance with the Major or Minor Subdivision procedures of this Chapter.

*Figure 5: Simple Division Diagram*



#### **46.11 Simple Agricultural Division**

A Simple Agricultural Division process is established to prescribe uniform procedures for the division of land zoned AG (Agricultural) into no more than two (2) lots, where no public improvements are required. The purpose of this process is to allow the creation of a non-farm single-family dwelling lot from a larger agricultural tract (parent tract) while ensuring the protection of agricultural land, compliance with the Warren County Comprehensive Land Use Plan, and adherence to the Warren County Zoning and Subdivision Ordinances. Any division resulting in more than two (2) lots or requiring the construction or extension of public improvements shall be processed as a Minor or Major Subdivision under this Chapter. The following provisions establish a review process and review standards for Simple Agricultural Divisions.

1. *Application.* All Simple Agricultural Division applications shall be submitted to the Planning and Zoning Department, properly signed by the property owner, and accompanied by the following materials:
  - a. A completed Subdivision Application Form and the required filing fee.
  - b. A Plat of Survey prepared and certified by a licensed land surveyor in the State of Iowa, showing the proposed division and including:

- i. The boundaries, dimensions, and size of the parent tract and the proposed lots.
  - ii. The location of all existing buildings, wells, and on-site wastewater systems.
  - iii. The location of water bodies, drainageways, or flood hazard areas within one hundred (100) feet of the property.
  - iv. The location and dimensions of all existing and proposed easements within twenty (20) feet of the property.
  - v. The Plat of Survey for such division shall contain the following notation:  
“Note: This plat is for agricultural purposes only. No further development, including issuance of Building Permits, may take place on it without complying with the subdivision regulations of Warren County, Iowa.”
    1. By recording a division of land for agricultural purposes only, the property owner agrees that any listing, offer for sale, or other document(s) contemplating the transfer of any such parcel, or portion of such parcel and any deed or other instrument transferring any interest in the same shall contain the following notation in at least eight (8) point bold faced type in all capital letters:
    2. “NOTE: THIS PARCEL IS PART OF A PLAT FOR AGRICULTURAL PURPOSES ONLY. NO FURTHER DEVELOPMENT, INCLUDING ISSUANCE OF BUILDING PERMITS, MAY TAKE PLACE ON IT WITHOUT COMPLYING WITH THE SUBDIVISION REGULATIONS OF WARREN COUNTY, IOWA.”
  - c. Legal descriptions of the parent tract and each resulting lot.
  - d. Documentation verifying ownership of the parent tract.
  - e. A statement identifying which lot shall be designated as the non-farm lot and which shall remain the farm lot.
  - f. Any additional documentation required by the Zoning Administrator, including evidence of adequate access, drainage, and utility service or on-site systems.
2. *Review Process.* The Zoning Administrator shall review the proposed Simple Agricultural Division for compliance with this Ordinance, the Zoning Ordinance, and all applicable County standards. The application may be distributed to the County Engineer, County Environmental Health Department, or other County departments for technical review and comment. The Zoning Administrator may approve, approve with conditions, or deny the application.
  3. *Standards for Approval.* All Simple Agricultural Division applications shall satisfy the following standards to be approved:

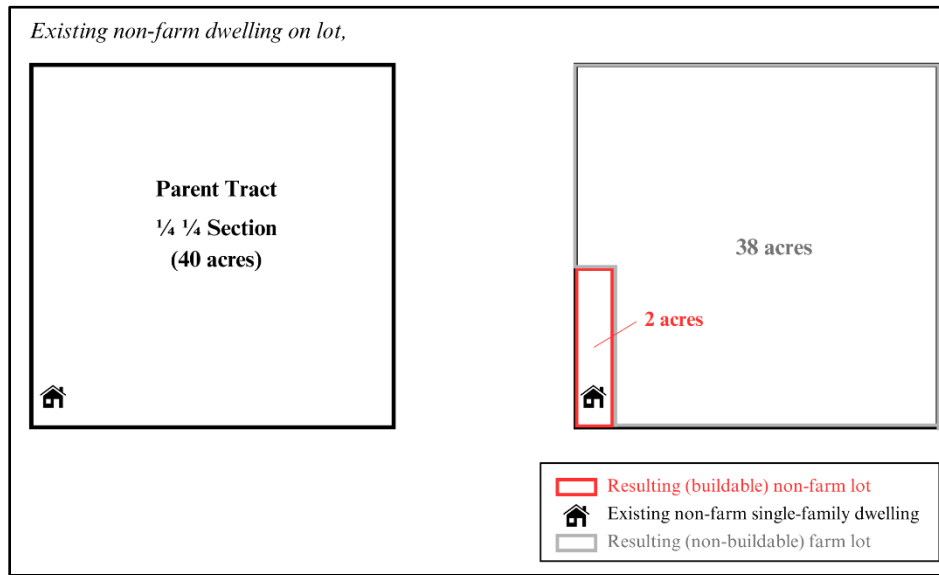
- a. The property shall be zoned AG (Agricultural), and the parent tract shall contain a minimum of forty (40) nominal gross acres prior to division.
  - b. The proposed division shall result in no more than two (2) total lots, consisting of:
    - i. One (1) non-farm lot primarily intended for a non-farm single-family dwelling, having a minimum lot area of two (2) gross acres; and
    - ii. One (1) farm lot, comprising the remaining portion of the parent tract, to be retained primarily for agricultural production.
  - c. The division shall not require the installation, extension, or dedication of any public improvements, including streets, utilities, or stormwater facilities.
  - d. Each resulting lot shall have legal and physical access to an existing public road or approved private drive that meets County standards.
  - e. The proposed division shall not create additional buildable lots, outlots, or unbuildable remnants, except where specifically designated for open space, stormwater management, or agricultural preservation.
  - f. Each resulting lot shall meet all minimum lot area, width, frontage, and setback requirements of the AG (Agricultural) zoning district.
  - g. The non-farm lot and farm lot shall be labeled accordingly on the Plat of Survey, along with any unbuildable or reserved areas.
  - h. All legal descriptions shall be accurate and conform to County surveying and recording standards as verified by the County Engineer.
4. *Decision and Recording.* Upon approval, the applicant shall record the approved Plat of Survey and any associated deeds or agreements with the Warren County Recorder, including:
- a. A notice of approval signed by the Zoning Administrator.
  - b. The notarized signature of the property owner.
  - c. The legal descriptions of the parent tract and resulting lots.
  - d. Any recorded conditions, covenants, or agreements required by the County.

If denied, the Zoning Administrator shall issue a written notice specifying the reasons for denial and advising the applicant of the right to appeal the decision to the Board of Adjustment in accordance with Chapter 43, Enforcement and Administration.

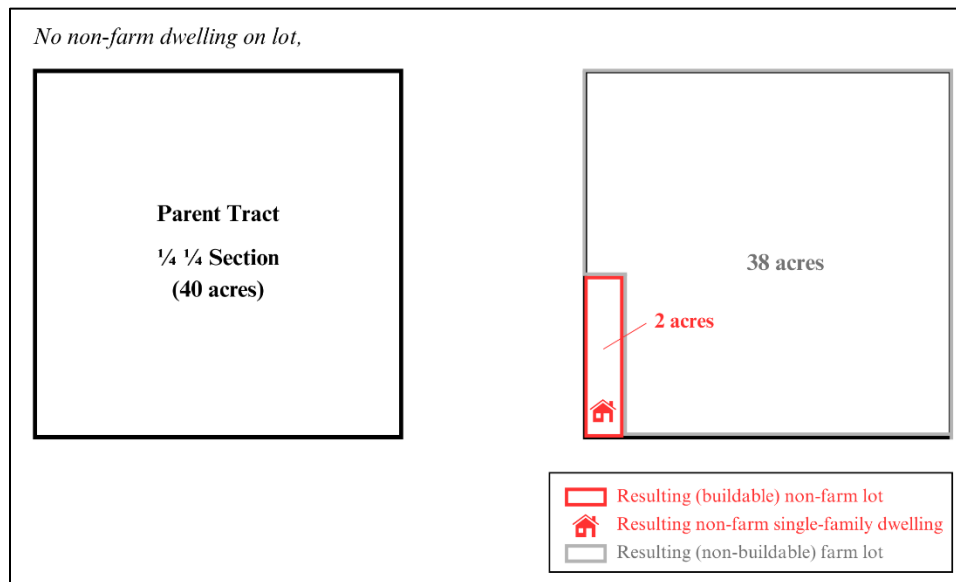
5. *Supplemental Standards.*
- a. Once recorded, the resulting farm lot and non-farm lot shall be recognized as separate parcels for ownership and tax assessment purposes.
  - b. The farm lot shall remain primarily in agricultural use and may not be further divided through this process. Any additional division shall require approval as a Minor or Major Subdivision.
  - c. The non-farm lot shall be limited to a single-family detached dwelling and accessory uses permitted within the AG (Agricultural) zoning district.
  - d. Each resulting lot shall be labeled on the Plat of Survey as “Buildable Lot,” “Non-Buildable Lot,” or “Outlot,” as applicable.

- e. All buildable lot rights are tied to the parent tract as it existed on the effective date of this Ordinance. Once the maximum number of buildable lots allowed has been created, no additional buildable lots shall be approved or recorded from that tract.
- f. If the proposed division requires public improvements, exceeds the allowed number of buildable lots, or otherwise does not comply with County standards, the division shall be processed as a Minor or Major Subdivision.

*Figure 6: Simple Agricultural Division – Existing Non-Farm Single-Family Dwelling Division From Parent Tract*



*Figure 7: Simple Agricultural Division – Newly Proposed Non-Farm Single-Family Dwelling Division From Parent Tract*



#### **46.12 Auditor's Plat**

An Auditor's Plat process is established to provide uniform procedures for the review and acceptance of plats prepared at the direction of the County Auditor, in accordance with Iowa Code § 354.13-§ 354.17, as amended, when existing land descriptions or recorded plats are found to be inaccurate, incomplete, or noncompliant with state or county platting requirements. The purpose of an Auditor's Plat is to ensure that all parcels of land within a designated area are clearly and accurately described for taxation, ownership, and assessment purposes, while maintaining consistency with the Warren County Subdivision Ordinance, Zoning Ordinance, and Comprehensive Land Use Plan. Unlike other subdivision plats, an Auditor's Plat is initiated by the County Auditor rather than a private property owner.

1. *Initiation.* An Auditor's Plat may be ordered by the County Auditor when any of the following conditions exist:
  - a. An existing subdivision plat or plat of survey does not comply with the requirements of Iowa Code § 354.4 or § 354.6; or
  - b. The descriptions of one (1) or more parcels within a tract are not sufficiently certain or accurate for the purposes of property assessment, taxation, or record title.
2. *Preparation.*
  - a. The County Auditor shall cause an Auditor's Plat to be prepared by a licensed professional land surveyor in accordance with Iowa Code § 354.13-§ 354.17 and Iowa Code § 355.

- b. The survey and plat shall include all boundary information, easements, and parcel descriptions necessary to correct or clarify existing property lines and shall comply with the survey standards of this Ordinance and Iowa Code.
- c. The Auditor shall notify affected property owners in writing of the intent to prepare an Auditor's Plat as required by state law.

3. *Application and Filing.*

- a. The completed Auditor's Plat shall be submitted by the County Auditor to the Zoning Administrator for coordination of County review.
- b. The Zoning Administrator shall distribute copies of the plat and supporting materials to the County Engineer, County Environmental Health Department, and any other departments or public agencies deemed appropriate for technical review and comment.
- c. The review shall determine whether the proposed Auditor's Plat complies with:
  - a. The survey and monumentation standards of Iowa Code § 355; and
  - b. The applicable provisions of the Warren County Subdivision Ordinance, to the extent feasible.

4. *Review and Recommendation.*

- a. Following agency review, the Zoning Administrator shall prepare a staff report summarizing findings and forward the plat to the Zoning Commission for consideration.
- b. The Zoning Commission shall review the Auditor's Plat at a public meeting and make a written recommendation to the Board of Supervisors to approve, approve with conditions, or deny the plat based on compliance with Iowa law and County standards.
- c. The Zoning Commission's recommendation shall be forwarded to the Board of Supervisors within sixty (60) days of official filing unless an extension is granted in writing by the County Auditor.

5. *Board of Supervisors Action.*

- a. The Board of Supervisors shall hold at least one (1) public meeting on the proposed Auditor's Plat. Notice of the meeting shall be published in the official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the meeting.
- b. The Board shall approve the Auditor's Plat only if it results in changes to parcel boundaries, creates new parcels, or otherwise affects ownership or development rights.
- c. If the Auditor's Plat is prepared solely to clarify legal descriptions or correct survey errors without altering boundaries or creating new lots, the Board may accept the plat administratively without formal approval.

- d. In all cases, the Auditor's Plat must comply with Iowa Code § 355 and Iowa Code § 354.15, as amended.
- e. The Board shall approve the Auditor's Plat if it is found to comply with the requirements of Iowa Code § 355 and Iowa Code § 354.15, as amended.
- f. Approval may reserve the County's right to withhold or condition Building Permits or development approvals if the Auditor's Plat does not meet the subdivision design and improvement standards of this Ordinance.
- g. Following approval, the Auditor's Plat shall be recorded by the County Auditor and Recorder in accordance with state law.

6. *Waivers and Exceptions.*

- a. Because an Auditor's Plat is ordered by the County Auditor to correct or clarify existing records, the Zoning Commission and Board of Supervisors may waive certain procedural or design standards otherwise applicable to proprietor's plats, including:
  - i. Preliminary Plat review; and
  - ii. Public improvement requirements, where such improvements are not necessary to achieve the purpose of the plat.
- b. Such waivers may only be granted upon receipt of a written request from the County Auditor ordering preparation of the plat and a written statement from the Auditor certifying that the plat satisfies the purposes for which it was ordered.
- c. Any granted waiver shall be noted in the official record of approval.

7. *Supplemental Standards.*

- a. An Auditor's Plat shall not create or authorize new lots for development beyond those necessary to correct existing boundary descriptions.
- b. Any future subdivision, development, or issuance of permits on land included within an Auditor's Plat shall comply fully with the requirements of the Warren County Subdivision Ordinance and Zoning Ordinance.

**46.13 Preliminary Plat**

A Preliminary Plat process is established to prescribe uniform procedures for the review of proposed subdivisions of land that create new lots, dedicate rights-of-way, or include the installation of public improvements. The Preliminary Plat is not a record plat and shall not be filed for recording. Its purpose is to show on a map all facts needed to enable the Zoning Commission to determine whether the proposed layout, design, and proposed improvements of a subdivision are consistent with the Warren County Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Regulations, and the public interest prior to the preparation of a Final Plat. The following provisions establish a review process and review standards for a Preliminary Plat.



1. *Pre-Application Meeting.* Before an applicant submits a Preliminary Plat application for a Minor or Major Subdivision, the applicant may schedule a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Preliminary Plat. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting.
2. *Application.* All applications for a Preliminary Plat shall satisfy the following development criteria to be approved:
  - a. Application form and filing fee.
  - b. Eight (8) copies of the Preliminary Plat, for the Zoning Commission's preliminary study and approval, containing the following:
    - i. Name of subdivision, date, point of compass, scale (1" = 100' maximum) and the legal description of the property being platted.
    - ii. Name and address of property owner.
    - iii. Name and address of land surveyor and engineer who prepared the map.
    - iv. Location of existing buildings, railroads, underground utilities, and other rights-of-way.
    - v. Addresses for each lot within the subdivision.
    - vi. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
    - vii. Location and names of adjoining subdivisions, and the names and addresses of the owners of adjoining acreage parcels.
    - viii. Proposed lot lines with approximate dimensions and the square foot area of lots.
    - ix. Areas dedicated for public use, such as schools, parks, and playgrounds.
    - x. Contour lines at intervals of not more than five (5) feet.
    - xi. Building setback lines.
    - xii. Boundaries of the proposed subdivision shall be indicated by a heavy line.
    - xiii. Existing and proposed land use, zoning, and Future Land Use Map designation for the subject property and adjacent properties.
    - xiv. The source, size, type, and location of proposed water supply and wastewater treatment facilities.
      - a. Water quality sampling tests shall be required pursuant to State Health Division policies for any subdivision using individual wells. For parcels smaller than ten (10) acres, the applicant shall provide soil profile percolation and other information sufficient to evaluate the use of on-site wastewater systems.

- xv. The provisions for wastewater disposal, drainage, and flood control including the location of proposed storm sewers, ditches, culverts, bridges and other structures.
  - xvi. A statement of plan regarding methods and/or techniques to be used in controlling soil erosion during construction and the development of the subdivision.
  - xvii. A statement from applicable utility companies indicating their approval of the utility easements shown on the plat.
  - xviii. Sinkholes, wetlands, floodways, floodway fringe areas and areas with slopes exceeding thirty percent (30%).
  - xix. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
  - xx. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.
  - xxi. Location and dimensions of sidewalks to be installed (only in cases where a city has jurisdiction within two (2) miles).
  - c. An attorney's opinion of title confirming ownership and listing encumbrances, liens, or easements.
  - d. Any additional documentation or studies (i.e., Traffic Impact Study, drainage report) deemed necessary by the Zoning Administrator or County Engineer.
3. *Distribution for Review.* Upon acceptance of a complete application and fee, the Zoning Administrator shall transmit copies of the Preliminary Plat and supporting documentation to the following entities for review and comment: County Engineer, appropriate school district, local fire district, County Sheriff's Office, County Environmental Health Department, and any other department, utility provider, or public agency deemed appropriate by the Zoning Administrator. If the property lies within the extraterritorial (two (2)-mile) review area of an incorporated city, a copy shall also be transmitted to that city for review and comment pursuant to Iowa Code § 354, as amended. Comments and recommendations shall be submitted to the Zoning Administrator as soon as practical, but typically within twenty (20) working days of transmittal.
4. *Zoning Commission Public Hearing.* Before taking final action on a Preliminary Plat application, the Zoning Commission shall hold at least one (1) public hearing on the proposed Preliminary Plat in accordance with the notice and meeting requirements outlined in 43.02 Zoning Commission. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed by the Zoning Department via United States mail at least ten (10) days prior to the hearing to all owners of property within five hundred (500) feet of the Preliminary Plat subdivision boundary, as shown on the current

records of the County Assessor. If the subdivider is the only adjacent land owner within five hundred (500) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). For purposes of this Ordinance, “mailing” means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. At the public hearing, the applicant may appear in person or by representative. However, failure of the applicant or representative to attend the public hearing will result in dismissal of the respective Preliminary Plat and no new respective Preliminary Plat can be submitted for one (1) year from the date of dismissal.

5. *Zoning Commission Recommendation.* Following the public hearing, the Zoning Commission shall transmit to the Board of Supervisors its written recommendation to approve the Preliminary Plat, approve the Preliminary Plat with specified conditions, or deny the Preliminary Plat, citing specific reasons for denial. The Zoning Commission’s recommendation shall be forwarded to the Board of Supervisors within sixty (60) days of the date the application was officially filed unless an extension is agreed to in writing by the applicant.
6. *Board of Supervisors Public Hearing.* After receiving the Zoning Commission’s recommendation, the Board of Supervisors shall hold at least one (1) public hearing on the proposed Preliminary Plat in accordance with the notice and meeting requirements outlined in 43.04 Board of Supervisors. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed by the Zoning Department via United States mail at least ten (10) days prior to the hearing to all owners of property within five hundred (500) feet of the Preliminary Plat subdivision boundary, as shown on the current records of the County Assessor. If the subdivider is the only adjacent land owner within five hundred (500) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). For purposes of this Ordinance, “mailing” means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. Supplemental or additional notices may be published or distributed as the Board of Supervisors may prescribe. At the public hearing, the applicant may appear in person or by representative. However, failure of the applicant or representative to attend the public hearing will result in dismissal of the respective Preliminary Plat and no new respective Preliminary Plat can be submitted for one (1) year from the date of dismissal.
7. *Standards for Approval.* All applications for a Preliminary Plat shall satisfy the following development criteria to be approved:
  - a. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste,

facilities to supply public/community water supply and wastewater treatment and, where applicable, private, on-site water and wastewater treatment.

- b. The applicant has shown the availability of water which meets the applicable County Environmental Health Department and Iowa Department of Natural Resources (IDNR) standards and is sufficient for the reasonably foreseeable needs of the subdivision.
- c. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, electric, gas, and broadband or communications services.
- d. The site is in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities, and services.
- e. The applicant has shown the availability and accessibility of public services such as schools, public safety, and fire protection.
- f. The site represents an overall development pattern that is consistent with the goals and policies of the County Comprehensive Land Use Plan and any other applicable planning documents adopted by the County.
- g. The site and application conform to all applicable provisions of these regulations.
- h. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.
- i. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.
- j. Each lot in the map of a residential development has adequate and safe access to/from a local street.
- k. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.
- l. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees;

- m. The applicant agrees to dedicate and improve land, right-of-way, and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

8. *Decision and Records.*

- a. The Board of Supervisors shall render a written decision on an application for a Preliminary Plat after the close of the public hearing. The final decision of the Board shall contain specific findings of fact supporting the granting or denial of the Preliminary Plat and shall clearly set forth any conditions or restrictions imposed pursuant to this Ordinance.
- b. The Zoning Department shall maintain complete records of all action with respect to applications for a Preliminary Plat.
- c. If denied, applicants may not reapply for the same Preliminary Plat to the Board before one (1) year have passed from the date of the hearing on the first petition.

9. *Supplemental Standards.*

- a. Approval of a Preliminary Plat shall not, by itself, constitute final acceptance of the subdivision. Such approval signifies only the general acceptability of the proposed layout and authorizes the subdivider to proceed with preparation of detailed construction plans and a Final Plat. Approval of the Preliminary Plat shall become null and void unless a Final Plat for all or a portion of the subdivision is submitted to the Board of Supervisors within one hundred eighty (180) days of the date of Preliminary Plat approval, unless an extension is granted by the Board of Supervisors.
- b. The Preliminary Plat and Final Plat shall not be submitted for consideration at the same meeting.

#### **46.14 Final Plat**

A Final Plat process is established to prescribe uniform procedures for the review and approval of proposed subdivisions of land that create new lots, dedicate rights-of-way, or include the installation of public improvements. The Final Plat is the official record plat and, upon approval, shall be filed for recording with the Warren County Auditor and Recorder. Its purpose is to ensure that all conditions of Preliminary Plat approval (when applicable) have been satisfied, that all required improvements are installed or guaranteed, and that the subdivision is consistent with the Warren County Comprehensive Land Use Plan, Zoning Ordinance, and Subdivision Regulations. The following provisions establish a review process and review standards for a Final Plat.

1. *Pre-Application Meeting.* Before an applicant submits a Final Plat application for a Minor or Major Subdivision, the applicant may schedule a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Final Plat. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting.
2. *Application.* All applications for a Final Plat shall satisfy the following development criteria to be approved:
  - a. Application form and filing fee.
  - b. Eight (8) copies of the Final Plat, for the Zoning Commission's preliminary study and approval, containing the following:
    - i. Name of subdivision, date, point of compass, scale (1" = 100' maximum) and the legal description of the property being platted.
    - ii. Name and address of property owner.
    - iii. Name and address of land surveyor and engineer who prepared the map.
    - iv. Accurate boundary survey with bearings and distances for all lines; angular and linear dimensions sufficient to locate all lines on the ground; an unadjusted perimeter closure error not to exceed one (1) in ten thousand (10,000).
    - v. Exact references to known or permanent monuments, including the bearing and distance from a corner of a congressional division of the County; description, location, type, size, and material of all monuments and markers set, meeting the monumentation requirements of Iowa Code § 355.6, as amended.
    - vi. Names, centerlines, widths, and right-of-way limits of all existing and proposed roads or streets within and adjoining the subdivision, with bearings and distances shown along centerlines and right-of-way lines.
    - vii. Complete curve data for every curve (delta angle, radius, arc length, chord and chord bearing, and tangent).
    - viii. Lot and block layout with all lot lines bearing and distance labeled; lots numbered consecutively and blocks lettered in sequence; building setback lines dimensioned.
    - ix. Lot areas shown as both gross (including rights-of-way) and net (excluding rights-of-way), areas under two (2) acres stated in square feet and areas two (2) acres or more stated to the nearest one-hundredth (.01) of an acre.
    - x. Easements (utility, drainage, access, or other) shown and labeled with width, purpose, beneficiaries, and any limitations or restrictions.
    - xi. Areas dedicated or reserved for public use (i.e., parks, schools, open space, community mailbox, and community trash drop-off/pick-up)

- dimensioned with bearings, distances, and acreage, metes-and-bounds descriptions provided for each such tract.
- xii. Accurate location of all existing and recorded roads, railroads, utilities, and other rights-of-way intersecting or adjoining the plat boundaries.
  - xiii. Identification of adjoining subdivisions by name and recording information for unplatted adjoining lands, show boundary lines for at least two hundred (200) feet and label any adjacent roads, streets, or alleys with widths and names.
  - xiv. Identification of floodways, floodway fringe, wetlands, sinkholes, and other regulated natural features present on the site; reference the effective FEMA panel number(s), if applicable.
  - xv. Statement of water supply and wastewater disposal method for each lot (community/public or private). For private, on-site systems, provide percolation/soil profile data sufficient to demonstrate feasibility in accordance with County Environmental Health Department requirements; for wells, include any required water quality testing compliance statements.
  - xvi. Location of stormwater management facilities and drainage easements; notation of compliance with County stormwater and erosion/sediment control standards.
  - xvii. Signature blocks and certificates in recordable form, including: Surveyor's Certificate, Owner's and (if applicable) Spouse's Consent and Dedication, Mortgagee/Lienholder Consent and Subordination (if encumbered), Zoning Administrator approval, County Engineer approval, County Attorney approval as to Form, Board of Supervisors approval, and any additional approvals or certificates required by Iowa Code § 354.11, as amended, and the County Recorder.
  - xviii. Notations identifying any private roads, streets, common areas, or outlots, together with responsibility for ownership and maintenance.
  - xix. If within two (2) miles of a city, a certified resolution or certificate of approval by the city council, when required.
  - xx. Any other notes, details, or references necessary to ensure the plat is complete, unambiguous, and suitable for filing and indexing by the County Auditor and Recorder.
- c. Construction plans or as-built plans (as applicable) for all public improvements (streets, grading, drainage, wastewater treatment, water, and other utilities), prepared and sealed by an Iowa-licensed professional engineer, including plan and profile sheets (50' horizontal / 5' vertical scale) and standard orientation (west end of E-W streets and south end of N-S streets at

- left side of sheet). Public and private roads shall meet the requirements of Section 46.15 of this Chapter.
- d. Engineer's itemized cost estimate for all required public improvements; if improvements are not yet accepted, a performance guarantee (bond/letter of credit (LOC)) in a form acceptable to the County Attorney in an amount not less than one hundred twenty-five percent (125%) of the approved estimate, together with a maintenance guarantee for workmanship and materials for a minimum of two (2) years after acceptance.
  - e. Developer's Agreement on a form approved by the County Attorney, committing to install all required improvements and to provide any required surety.
  - f. Attorney's opinion of title or title guarantee current to the date of submittal, confirming ownership and listing all easements, liens, and encumbrances of record; if encumbered as described in Iowa Code § 354.12, provide the required encumbrance bond and certificate approved by the County Auditor.
  - g. Certificate from the County Treasurer that taxes and special assessments on the land to be platted are paid to date.
  - h. Executed easement and dedication instruments for all streets and areas intended for public use or utilities, in a form approved by the County Attorney and County Engineer.
  - i. Protective covenants, restrictions, and (if applicable) homeowners' association articles/bylaws; include provisions allocating ownership and long-term maintenance responsibility for common areas, private roads, stormwater facilities, and other shared improvements.
  - j. Written confirmations from applicable utility providers acknowledging review and acceptance of proposed utility easements and facility layouts.
  - k. Required technical reports and approvals, as applicable: stormwater management/drainage report, erosion and sediment control plan, traffic impact study, floodplain development permit, Iowa Department of Natural Resources (IDNR) or other state/federal permits or clearances.
  - l. Any additional documentation reasonably required by the Zoning Administrator or County Engineer (i.e., Traffic Impact Study) to verify compliance with this Ordinance, the Zoning Ordinance, the Comprehensive Land Use Plan, and the Iowa Code, and to facilitate review and recording.
3. *Distribution for Review.* Upon acceptance of a complete application and fee, the Zoning Administrator shall transmit copies of the Final Plat and supporting documentation to the following entities for review and comment: County Engineer; appropriate school district, local fire district, County Sheriff's Office, County Environmental Health Department, and any other department, utility provider, or public agency deemed appropriate by the Zoning Administrator. If the property lies



- within the extraterritorial (two (2)-mile) review area of an incorporated city, a copy shall also be transmitted to that city for review and comment pursuant to Iowa Code § 354, as amended. Comments and recommendations shall be submitted to the Zoning Administrator as soon as practical, but typically within twenty (20) working days of transmittal.
4. *Zoning Commission Public Hearing.* Before taking final action on a Final Plat application, the Zoning Commission shall hold at least one (1) public hearing on the proposed Final Plat in accordance with the notice and meeting requirements outlined in 43.02 Zoning Commission. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed by the Zoning Department via United States mail at least ten (10) days prior to the hearing to all owners of property within five hundred (500) feet of the Final Plat subdivision boundary, as shown on the current records of the County Assessor. If the subdivider is the only adjacent land owner within five hundred (500) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). For purposes of this Ordinance, “mailing” means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. At the public hearing, the applicant may appear in person or by representative. However, failure of the applicant or representative to attend the public hearing will result in dismissal of the respective Final Plat and no new respective Final Plat can be submitted for one (1) year from the date of dismissal. If the Final Plat conforms in all respects to an approved Preliminary Plat and all conditions of approval have been satisfied, a public hearing by the Zoning Commission shall not be required. In such cases, the Zoning Administrator may forward the Final Plat directly to the Board of Supervisors for consideration following administrative verification of compliance.
  5. *Zoning Commission Recommendation.* Following the public hearing, or review if the hearing is waived, the Zoning Commission shall recommend to the Board of Supervisors that the Final Plat be approved, approved with conditions, or denied. The recommendation shall be in writing and shall include findings of fact and any conditions imposed. The Chairperson of the Zoning Commission shall sign and date the plat to indicate the action taken. The Zoning Commission’s recommendation shall be forwarded to the Board of Supervisors within sixty (60) days of the filing of a complete application unless an extension is granted in writing by the applicant.
  6. *Board of Supervisors Public Hearing.* After receiving the Zoning Commission’s recommendation, the Board of Supervisors shall hold at least one (1) public hearing for the final approval of the Final Plat and for the acceptance of all roads, streets, alleys, easements, parks, or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 46.15 herein shall be installed. Notice of the hearing shall be in

accordance with the notice and meeting requirements outlined in 43.04 Board of Supervisors and will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed by the Zoning Department via United States mail at least ten (10) days prior to the hearing to all owners of property within five hundred (500) feet of the Preliminary Plat subdivision boundary, as shown on the current records of the County Assessor. If the subdivider is the only adjacent land owner within five hundred (500) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). For purposes of this Ordinance, “mailing” means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. Supplemental or additional notices may be published or distributed as the Board of Supervisors may prescribe. At the public hearing, the applicant may appear in person or by representative. However, failure of the applicant or representative to attend the public hearing will result in dismissal of the respective Preliminary Plat and no new respective Preliminary Plat can be submitted for one (1) year from the date of dismissal. The approval of the Final Plat by the Zoning Commission shall be null and void unless the Final Plat is submitted to the Board of Supervisors within one (1) year after date of approval by the Zoning Commission.

7. *Standards for Approval.* All applications for a Final Plat shall satisfy the following development criteria to be approved:
  - a. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply public/community water supply and wastewater treatment and, where applicable, private, on-site water and wastewater treatment.
  - b. The applicant has shown the availability of water which meets applicable County Environmental Health Department and Iowa Department of Natural Resources (IDNR) standards and is sufficient for the reasonably foreseeable needs of the subdivision.
  - c. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, electric, gas, and broadband or communications services.
  - d. The site is in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities, and services.
  - e. The applicant has shown the availability and accessibility of public services such as schools, public safety, and fire protection.
  - f. The site represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Land Use Plan and any other applicable planning documents adopted by the County.

- g. The site and application conform to all applicable provisions of these regulations.
  - h. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.
  - i. The Final Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.
  - j. Each lot in the map of a residential development has adequate and safe access to/from a local street.
  - k. Mail service is provided through a clustered mailbox unit(s) located in a centralized and accessible location, consistent with County standards and United States Postal Service (USPS) requirements, and as reviewed and approved by the County Engineer.
  - l. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.
  - m. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees;
  - n. The applicant agrees to dedicate and improve land, right-of-way, and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.
8. *Decision and Records.*
- a. The Board of Supervisors shall render a written decision on an application for a Final Plat after the close of the public hearing. The final decision of the Board shall contain specific findings of fact supporting the granting or denial of the Final Plat and shall clearly set forth any conditions or restrictions imposed pursuant to this Ordinance.
  - b. Approval of the Final Plat shall also constitute acceptance by the County of all dedications of streets, rights-of-way, easements, parks, or other areas reserved for or dedicated to the public, subject to the filing of required performance guarantees and approval by the County Engineer and County Attorney.
  - c. If approved, the Final Plat, as approved by the Board, shall be filed with the County Auditor and Recorder within ninety (90) days of the date of approval, unless an extension is granted by the Board of Supervisors. Failure to record the plat within the prescribed time shall render the approval null and void.
  - d. The Zoning Department shall maintain complete records of all action with respect to applications for a Final Plat.

- e. If denied, applicants may not reapply for the same Final Plat to the Board before one (1) year has passed from the date of the hearing on the first petition.
9. *Supplemental Standards.*
- a. Approval of a Final Plat shall become null and void unless the plat is recorded within ninety (90) days of approval or unless an extension is granted by the Board of Supervisors prior to expiration. The Board may grant an extension of up to one (1) year upon written request by the subdivider, stating just cause for delay.
  - b. If the subdivision improvements have not been installed at the time of Final Plat approval, construction shall commence within one (1) year following the date of Board approval unless an extension is granted by the Board of Supervisors. Failure to begin construction within the specified time frame may result in the plat being declared null and void and require reapplication.
  - c. Any proposed change to a recorded Final Plat shall be processed as a replat or amended plat in accordance with the procedures and standards of this Ordinance.
  - d. Approval and recording of a Final Plat shall not be construed as guaranteeing future land use development applications or Building Permit approvals. All development subsequent to Final Plat approval shall comply with the Zoning Ordinance and all other applicable regulations in effect at the time of permitting.
  - e. The provisions of this Section shall also be applicable to all plats approved prior to the effective date of the ordinance codified in this chapter.

#### **46.15 Improvements Required**

Before the Final Plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond or a set-aside letter of credit from a bank, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond or a set-aside letter of credit from a bank will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond or the set-aside letter of credit from a bank shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or the set-aside letter of credit from a bank or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities that have adopted the provisions of Iowa Code § 354.9, as amended, the Zoning Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the City governing the

areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations.

1. *Minimum Improvements Required.* The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:
  - a. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.
  - b. All street paving requirements shall be design driven and as determined by the site plan.
  - c. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.
  - d. The County shall require proof of sign off from the Iowa Department of Natural Resources (IDNR) in terms of stormwater management and grading if the proposed development disturbs one (1) or more acres.
  - e. The subdivider shall construct wastewater treatment facilities in accordance with the standards and specifications of Warren County and shall provide a service connection for each lot to the wastewater treatment system. Where existing public/community wastewater treatment systems are not within a reasonable distance, private, on-site wastewater treatment systems may be used, subject to approval by the County Environmental Health Department and, where applicable, the Iowa Department of Natural Resources (IDNR). If a private on-site wastewater treatment system is proposed, the subdivider shall furnish documentation of such approval from the Iowa Department of Natural Resources (IDNR).
  - f. The subdivider shall provide, where applicable, for the installation of public water mains and fire hydrants in the subdivision when the development is located within the service area of a public/community water system and such facilities are available or can be reasonably extended. The design and installation of such systems shall comply with the standards and specifications of the County and the applicable water utility. In areas not served by a public/community water system, the subdivider shall provide evidence of an adequate private water supply, such as connection to a rural water system or the use of private wells, approved by the County Environmental Health Department and the Iowa Department of Natural Resources (IDNR), if applicable. The adequacy of fire protection for subdivisions located outside municipal service areas shall be determined in consultation with the local fire district.
  - g. Storm drainage and wastewater treatment facilities shall be provided, including permanent culverts or bridges or a size and design approved by the County Engineer.

- h. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least thirty (30) inches long and shall conform with standard specifications of Warren County. The requirements of Iowa Code § 355.6, as amended, regarding monumentation shall also apply.
  - i. Street signs shall be required at all intersections and shall be of the type approved by the 911 Director.
  - j. The Board and Zoning Commission may require that all utility lines except electric lines of nominal voltage in excess of fifteen thousand (15,000) volts, be installed underground inside the subdivision. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any road, street, alley or way shall be installed prior to the improvement of any such road, street, alley, or way into the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of Warren County. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Zoning Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.
2. *Approval by Engineer.* All plans, specifications, installation, and construction required by this chapter shall be subject to review, approval and inspection by the County Engineer or an authorized representative.
- a. The County may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.
  - b. 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 forty-eight (48) hours in advance of readiness for required inspection. The subdivider shall reimburse the County for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the County.
3. *Warranty.* The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation, and construction for a period of

two (2) years from and after completion. Such warranty shall be by bond or a set-aside letter of credit from a bank; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

#### **46.16 Subdivision Design Standards**

The standards and details of design contained herein 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 the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

Subdivisions shall be located on Paved County and State Highways. If the proposed subdivision is on a Grade A or Grade B County road, that road shall be paved to the interconnecting paved road by the developer to the County Engineer's standards prior to platting.

1. *Streets*. The general requirements for streets are as follows:
  - a. *Comprehensive Plan*. All proposed plats and subdivisions shall conform to the Warren County Comprehensive Land Use Plan.
  - b. *Continuation of Existing Streets*. Proposed roads or streets shall be designed to continue or complete any existing (constructed or recorded) roads or streets on adjoining properties, with right-of-way widths that are equal to or greater than those of the existing roads or streets. The right-of-way width shall be determined by design requirements; however, no right-of-way shall be less than sixty-six (66) feet in width or deviate from the general alignment of the existing (constructed or recorded) street, unless otherwise approved by the County Engineer.
  - 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 Zoning Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.
  - d. *Street Intersections*. Street intersections shall be as nearly at right angles as possible.
  - e. *Cul-de-sacs*. Whenever a cul-de-sac is permitted, such street shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred fifty (150) feet in the case of the residential subdivision. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty-six (66) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than seventy-five (75) feet.

- f. *Street Names.* All newly platted streets shall be addressed in a manner consistent with the present street addressing system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the 911 Director or other designated official responsible for 911 addressing in order to avoid duplication or close similarity of names.
- g. *Physical and Cultural Features.* In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- h. *Half Streets.* Dedication of half streets will be discouraged. Where 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 County.
- i. *Alleys.* Alleys may be required in business areas and industrial zoning 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 zoning districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- j. *Easements.* Easements for utilities shall be provided along public rights-of-way and front lot lines whenever practicable, to facilitate installation and maintenance. Rear or side lot easements should be used only where no feasible alternative exists or where required to connect to existing utility systems. The fee or equitable owner shall not erect any permanent structures within an easement, but may otherwise use the land in a manner not inconsistent with the rights of the easement holder/grantee. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at said owner's own expense, make adequate provision for stormwater management and drainage to ensure that surface water is properly conveyed while protecting and maintaining the natural character of the watercourse. Drainage easements shall be shown on the plat along each side of the stream for the purpose of allowing access for maintenance, repair, and protection of the drainageway. Such easements shall remain in private ownership and shall not be dedicated to the County. The width of the easement shall be not less than twenty (20) feet in total or as determined necessary by the County Engineer to accommodate drainage functions.
- k. *Neighborhood Plan.* If any overall plan has been made by the Zoning 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 Zoning Commission will require



topography and a sketch of a tentative future street system of the unsubdivided portion.

- m. *Major Thoroughfares.* Where a new subdivision, except where justified by limiting conditions, involves frontage on a traffic way, limited access way, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
  - 1. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
  - 2. Any new subdivision fronting on a traffic way shall have no more than three (3) accesses onto such traffic way in each one thousand three hundred twenty (1,320) feet, all accesses to be placed at the direction of the County Engineer. No access drive shall be permitted to a County public road in a subdivision where access is available to a private road within a subdivision.
- n. *Railroads.* If a railroad is involved, the subdivision plan should:
  - 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 back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
  - 3. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereon to.
- o. *Street Width.* Major thoroughfares shall have a minimum right-of-way as specified by the County Engineer of applicable County standards. The width of minor or residential streets shall not be less than sixty-six (66) feet.
- p. *Street Grades.* Streets, roads, alleys, and other roadways shall be graded to lines and grades approved by the County Engineer. Public streets or roads proposed for dedication to the County shall meet County and Iowa Department of Transportation (IDOT) design standards. Private roadways shall meet the minimum American Association of State Highway and Transportation Officials (AASHTO) standards for low-volume roads and be designed to provide safe, all-weather access. Any person constructing a residence on a parcel not located on a paved or gravel public road shall complete the Major Subdivision process to construct a private road meeting minimum American Association of State Highway and Transportation Officials (AASHTO) standards to access the residence.
- q. *Street Paving.* If street paving is proposed, the developer shall consult with the County Engineer.

- r. *Erosion Control*. No subdivision shall be approved unless it includes soil erosion and sediment control measures in compliance with the requirements of the Iowa Department of Natural Resources (IDNR) and any applicable National Pollutant Discharge Elimination System (NPDES) General Permit No. 2 for construction site stormwater discharge.
  - s. *Street Trees*. Trees or bushes shall not be planted within the street or road right-of-way in subdivisions located in the PR (Planned Residential) or VR (Village Residential) zoning districts.
- 2. *Blocks*. The general requirements for Blocks shall be as follows:
  - a. No block shall be longer than one thousand three hundred twenty (1,320) feet, except in areas zoned RR (Rural Residential) by the Zoning Ordinance.
  - b. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as a standard.
- 3. *Lots*. The general requirements for Lots shall be as follows:
  - a. Corner lots shall be of such width as to permit the maintenance of all yard requirements as may be required by the Zoning Ordinance.
  - b. Double frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.
  - c. 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.

#### **46.17 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, following report of the Zoning Commission may vary or modify such requirements so that the subdivider is allowed to develop property in a reasonable manner, but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

#### **46.18 Enforcement**

- 1. *Validity*. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- 2. *Public Improvements*. 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 County money expended for improvements or maintenance in any area that has

been subdivided or upon any street that has been dedicated after the effective date of this Ordinance unless such subdivision or street has been approved and recorded in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of Warren County. Streets within a subdivision not accepted by the Board as public highways shall remain private roads.

3. *Building Permits.* The Zoning Administrator shall not issue Building Permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the effective date of this Ordinance codified in this chapter, but which has not been approved and recorded in accordance with the provisions contained herein.

#### **46.19 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 Zoning Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the County not less than four (4) days nor more than twenty (20) days prior to such hearing.