

# TITLE III: PROPERTY/LAND USE AND DEVELOPMENT

## CHAPTER I.

### SUBDIVISION ORDINANCE

#### ARTICLE I: TITLE, JURISDICTION, AND DEFINITIONS

##### **SECTION 1. SHORT TITLE.**

This Ordinance shall be known, and may be cited and referred to as the Subdivision Ordinance of Muscatine County, Iowa.

##### **SECTION 2. GENERAL JURISDICTION.**

It shall be unlawful for any person being the owner, agent or person having control of any land within the unincorporated portion of Muscatine County to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall be submitted to the Board of Supervisors for approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided, and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

##### **SECTION 3. DEFINITIONS.**

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

Building Line	A line designating the allowable proximity of a building or structure to adjacent street, alley or property line.
Collector Streets	A street which carries traffic from minor streets to a thoroughfare, including the principal entrance streets of residential development.
Cut	Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.
Debris Basin	A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, or silt or other material.
Cul-de-sac Street	A minor street with only one outlet.
Dwelling	<p>Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation. The dwelling unit shall be constructed in compliance with the U.S. Department of Housing and Urban Development Code under authority of 42 U.S.C., Sec. 5403, Federal Manufactured Home Construction and Safety Standards.</p> <p>A dwelling unit shall have a floor area of at least six hundred forty square feet (640 sq. ft.), minimum width of twenty feet (20') at least seventy-five percent (75%) of its narrowest dimension unless otherwise noted in this Chapter, be placed on permanent foundation, have a perimeter foundation of masonry construction (load or non-load), and be taxed as real property.</p>
Easement	A grant by a property owner of the use of land for public utilities, drainage, sanitation or other specified uses to the public generally, to a person or persons, or to another legal entity.
Erosion	The wearing away of the land surface by the action of wind, water or gravity.
Existing Grade	The vertical location of the existing ground surface prior to cutting or filling.
Finished Grade	The final grade or elevation of the ground surface conforming to the proposed design.

Grading	Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut filled condition.
Half Street	A street bordering one or more property lines of a tract of land in which the developer has allocated but part of the ultimate right-of-way width.
Lot	<p>A lot is a parcel land of at least sufficient size to meet minimum zoning requirements for its intended use, coverage and area, and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:</p> <ol style="list-style-type: none"> <li>a. A single lot of record;</li> <li>b. A portion of a lot of record;</li> <li>c. A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and</li> <li>d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet requirements of this ordinance.</li> </ol>
Marginal Access Street	A minor street which is parallel and adjacent to a thoroughfare, and which, provides access to abutting properties and protection from through traffic.
Manufactured Home	A factory built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as defined by a dwelling unit, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any factory-built structure used for human habitation, which does not meet all the above requirements is considered a mobile home and shall be regulated as a mobile home.
Minor Street	A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.
Mobile Home	A factory-assembled structure equipped with the necessary service connections, designed so as to be readily transported on its own chassis and be designed to be used for residential purposes with or without a permanent foundation. Such a structure shall be considered a mobile home whether or not the original running gear, axles, and tongue or hitch have been removed.
Mulching	The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
Natural Ground Surface	The ground surface in its original state before any grading, excavation, or filing.
Pedestrian Way	A right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or other name.
Permanent Foundation	A site-built or site-assembled system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil, and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials approved by Sections 25 or 26 of the Uniform Building Standards, dated 1982.
Plat	A map, drawing or chart of a subdivision.
Sediment	Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
Slope	Degree of deviation of a surface from the horizontal, usually expressed in percent or degree.
Soil	All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

Stripping	Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.
Subdivider	Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, or any other legal entity commencing proceedings under the regulations of this Ordinance to effect a subdivision of land hereunder for himself or herself or for another or for others.
Subdivision	The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. The following divisions shall not be considered subdivisions within the jurisdiction of this Ordinance where no new streets, roads or other areas intended for public use are involved: (a) divisions of land for agricultural purposes into parcels of forty (40) acres or more not involving any new road, street, easement or other dedication; (b) divisions of property by testamentary or intestate provisions; (c) divisions of property upon court order; and, (d) divisions of land created by right-of-way acquisitions by a governmental unit.
Surveyor	A registered, licensed, certified, or public land surveyor in good standing with the registration board of this state, whose education, training and experience qualify him to perform all of the acts of subdividing required of a surveyor by this Ordinance.
Temporary Protection	Stabilization of erosive or sediment producing areas.
Thoroughfare	A public right-of-way with a high degree of continuity and serving as an arterial traffic-way between various districts.
Vegetative Protection	Stabilization of erosive or sediment producing areas by covering the soil with: <ul style="list-style-type: none"> <li>a. Permanent seeding, producing long-term vegetative cover, or</li> <li>b. Short-term seeding producing temporary vegetative cover, or</li> <li>c. Sodding, producing areas covered with a turf perennial sod-forming grass.</li> </ul>

**ARTICLE II: PRELIMINARY PLAT**

**SECTION 1. APPROVAL AND ACCEPTANCE PROCEDURE.**

The following procedures shall be followed in order to secure approval of a preliminary plat:

- 1.1** Any owner or subdivider who wished to secure the County Zoning Commission and County Board of Supervisors approval of his proposed plat and subdivision shall submit to the County Zoning Commission and County Board of Supervisors three (3) print copies and one (1) digital copy, in a format specified by the County Zoning Administrative Officer, of said plat and other required information.
- 1.2** The County Zoning Commission and County Board of Supervisors shall study such preliminary plat and other information received from the Muscatine County Board of Health, the Muscatine Soil Conservation District, and the County Engineer and shall within sixty (60) days of receipt, approve or reject such plat and plan. The approval of the preliminary plat and plan shall constitute authorization for preparation and submission of the final plat and plan for approval by the County Zoning Commission and County Board of Supervisors.
- 1.3** The Preliminary Plat shall not be approved unless it includes a complete plan for soil erosion and sediment control, developed in accordance with the technical standards and specifications of the Muscatine Soil Conservation District and approved by the Soil Conservation District. The subdivider shall attach a statement to the erosion and sediment control plan certifying that the construction and/or development will be done in accordance with the plan. Within thirty (30) days of the receipt of the materials from the County Zoning Administrative Officer, the Soil Conservation District shall notify in writing

the County Zoning Administrative Officer that the erosion and sediment control plan has been (1) approved, (2) approved subject to modification, or (3) disapproved. If disapproved, the Soil Conservation District shall submit to the County Zoning Administrative Officer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil Conservation District.

- 1.4 The County Zoning Commission and County Board of Supervisors may direct that the owner or subdivider attend any deliberation on the submitted plat and plan.
- 1.5 The County Zoning Commission and County Board of Supervisors may reject any plat and plan with specific recommendations to the owner or subdivider.
- 1.6 If a final plat is not filed within twelve (12) months of receiving approval of the preliminary plat and plan or an extension of time is not authorized by the County Zoning Administrative Officer, the approval of the preliminary plat becomes null and void.

## **SECTION 2. PRELIMINARY PLAT REQUIREMENTS.**

Preliminary plat requirements, which shall be met before plat and plan will be considered by the County Zoning Commission shall set out:

- 2.1 The proposed name of subdivision.
- 2.2 The location by section, township and range and by other legal description.
- 2.3 The names and addresses of the owner or subdivider of tract and engineer or person preparing plat and information.
- 2.4 A plat and plan drawn shall be both clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
- 2.5 The points of compass.
- 2.6 The date of preparation.
- 2.7 The boundary line of the proposed subdivision.
- 2.8 The approximate total area in the subdivision.
- 2.9 The location of existing public ways with improvements, railroad and utility right-of-ways, parks and other public open spaces, permanent buildings and structures, easements, section and township lines within proposed boundaries and to a distance of two hundred feet (200') beyond the tract.
- 2.10 The location and size of existing sewers, water mains, culverts and other underground facilities within and to a distance of two hundred feet (200') of the tract.
- 2.11 The boundary lines, names of owners, and zoning classification of adjoining unsubdivided or subdivided land within two hundred feet (200') of the tract.
- 2.12 A topographic map of the property showing contour intervals of two feet (2') shall be required by the County Zoning Commission.
- 2.13 The layout of proposed right-of-way widths and street names. Street naming shall conform to the Rural Address System Ordinance.
- 2.14 The proposed location and width of lot lines, building lines, pedestrian ways and utility easements.

- 2.15 The zoning classification of the subdivision.
- 2.16 The type of street cross section and type of surfacing.
- 2.17 The location of existing and proposed sanitary sewer lines and public disposal system, or location of existing and proposed individual septic tanks and absorption system.
- 2.18 The location of individual wells and fire wells or hydrants.
- 2.19 The location of all existing buildings and structures.
- 2.20 The location of all components and facilities of an approved Storm Water Management Plan, as required in Chapter II. Zoning Ordinance, Article XVI, Section 6 for Muscatine County.

**SECTION 3. EROSION AND SEDIMENT PLAN REQUIREMENTS.**

Two (2) copies of the plan for reducing erosion and controlling sediment on the subdivision site during and after construction, prepared in accordance with these regulations and soil loss limits established and adopted by the Muscatine Soil Conservation District shall be submitted to the County Zoning Commission.

- 3.1 The erosion and sediment control plan shall include as a minimum the following information for the entire tract of land, whether or not the tract will be developed in stages:
  - 3.11 Such soils information and interpretations pertaining to the site as may be available from the Soil Conservation District.
  - 3.12 Plans and specifications of soil erosion and sedimentation control measures to be applied to the site in accordance with the official standards and specifications of the Soil Conservation District.
  - 3.13 A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- 3.2 Practical combinations of the following general principles will provide effective erosion and sediment control when properly planned and installed:
  - 3.21 The development plan shall be adapted to the topography and soils so as to create the least erosion potential.
  - 3.22 Grading or alteration of land within the one hundred (100) year flood plain of watercourses will not be permitted unless sufficient technical data is presented to assure that such changes will not adversely affect erosion, sedimentation or stream flow characteristics.
  - 3.23 Planned permanent vegetation or improvements, such as streets and storm sewers, including other facilities for conveying storm runoff in a safe manner, shall be installed before other development occurs. An exception may be granted where following development will destroy the above planned permanent vegetation or improvements.
  - 3.24 Indiscriminate land clearing and baring shall be avoided. Natural vegetation shall be retained and protected where it does not conflict with development. Valuable trees in particular shall be saved by protecting from mechanical injury and from earth cut or fill beneath the canopy.

- 3.25 Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
- 3.26 The smallest practical area of land shall be exposed at any one time during development.
- 3.27 Land will not be exposed more than one month before either temporary or permanent erosion and sediment controls are installed.
- 3.28 Critical areas exposed during construction shall be protected with temporary vegetation and/or mulching. Where these areas are subject to damage by runoff from lands above, provisions shall be made for safely diverting or conveying such overflows.
- 3.29 Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
- 3.30 Provisions shall be made to safely convey or temporarily store increased storm runoff resulting from land use and management changes associated with the development.
- 3.31 Topsoil shall be stockpiled and protected by temporary vegetation or mulching and returned to exposed areas after grading and development is complete.
- 3.32 Permanent vegetation and structures shall be installed area by area as development is completed.
- 3.33 All measures undertaken to reduce erosion and control sediment shall be in conformance with the official technical standards and specifications of the Muscatine Soil Conservation District.

### **ARTICLE III: FINAL PLAT**

#### **SECTION 1. APPROVAL AND ACCEPTANCE PROCEDURE.**

The following procedures shall be followed in order to secure approval of a final plat:

- 1.1 The owner or subdivider shall, within twelve (12) months of receiving approval of this preliminary plat and plan file with the County Zoning Commission for its approval or rejection the original and five (5) print copies and one (1) digital copy, in a format specified by the County Zoning Administrative Officer, of the final plat and plan of the proposed subdivision. The original shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. Each document shall be of sufficient legibility to produce a clear reproduction. Printing on one side only. Black ink or dark blue ink.
- 1.2 The County Zoning Administrative Officer shall review the final plat and additional materials to determine if any changes have been made between the approved preliminary plat and the proposed final plat. If the County Zoning Administrative Officer determines there have been no changes, he shall be authorized and it shall be standard practice to waive the review by the County Engineer and Muscatine Soil Conservation District, and to present the final plat directly to the County Zoning Commission.
- 1.3 Before approval is given to a final plat and plan that required reviews by the County Engineer and Muscatine Soil Conservation District all recommendations shall be attached; the County Zoning Commission shall study and approve or reject the final plat and plan; and the County Zoning Commission shall note such approval, on the plat and plan, over the signature the Chairperson of the County Zoning Commission.

- 1.4 Upon approval by the County Zoning Commission, said plat and plan shall be submitted by the Commission to the County Board of Supervisors for final approval and acceptance of all easements. Streets, ways, parks or public areas will not be dedicated and accepted by the County as public responsibility unless the County deems the improvements as a necessity for the public good of the County residents. All improvements to be dedicated to the County will meet the specifications and standards of the County Board.
- 1.5 If the County Zoning Commission does not approve the final plat and plan of a subdivision, the County Board of Supervisors may approve said plat and plan by a two-thirds (2/3) vote of the entire membership of the Board. Provisions for the acceptance of easements, streets, ways, parks or public areas will be the same as provided in Sub-section 1.4.
- 1.6 After approval of the final plat and plan by the County Board of Supervisors, the County Zoning Commission shall notify the owner or subdivider. Any approval shall be null and void if the plan is not recorded, in exact form approved, with the Muscatine County Recorder. Upon certification by the Recorder that copies of the plat are true, two copies of the plat, on linen or plastic film shall be provided to and filed by the Muscatine County Zoning Administrative Officer and one copy of the plat shall be provided to and filed by the Muscatine County Recorder, Auditor and Assessor.
- 1.7 Approval of the final plat by the County Board of Supervisors shall be null and void if the plat is not recorded within ninety (90) days after the date of approval unless an application for an extension of time is made in writing during said ninety (90) day period to the County Board of Supervisors and approved. Requests for an extension after the ninety (90) day period must be in writing and will be subject to a fee set by the Board of Supervisors.

## **SECTION 2. FINAL PLAT REQUIREMENTS.**

- 2.1 All information shown on the preliminary plat, except topographic data, shall be shown on the final plat.
- 2.2 The size of each sheet shall be no larger than eleven inches (11") by seventeen inches (17") overall or the size the Muscatine County Recorder is able to scan, copy and record with a marginal line drawn, placed so as to leave a one-half inch (1/2") margin on each of three (3) sides and one and one-half inch (1-1/2") margin on the binding side.
- 2.3 Whenever more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to show where other sheets adjoin.
- 2.4 The scale used shall be both clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
- 2.5 The name of the subdivision shall be shown in bold letters inside the margin at the top of each and every sheet included.
- 2.6 A prominent north arrow shall be drawn on every sheet included, showing any portion of the lands subdivided, when possible it shall be placed in the upper right-hand corner. The bearing reference shall be clearly stated below each north arrow shown.
- 2.7 All monuments to be of record must be adequately described and clearly identified on the plat. Where additional monuments are to be set subsequent to the recording of the plat as provided in Sub-section 30.05 the location of such additional subordinate monuments shall be shown by a district symbol noted on the plat as representing subordinate monuments.

- 2.8** Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and other areas shown on the plat, as well as the outer boundaries of the lands subdivided.
- 2.9** A licensed land surveyor shall certify that the plat represents a survey made by him and that monuments and markers shown thereon exist as shown.
- 2.10** All distances shall be shown in feet and to the nearest one-hundredth foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.
- 2.11** The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between it and an intersecting line having a shown bearing except where such line has an irregular or constantly changing course, as along a body of water, or where its description is better illustrated by measurements shown at points or intervals along a meander line having shown courses. All bearing and/or angles shown shall be given to the nearest minute of arc, or to a small fraction to be stated in seconds or arc.
- 2.12** Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve, and unless otherwise specified by local ordinance, curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary; in all other cases the curve data must be shown for the line affected.
- 2.13** When any lot or portion of the subdivision is bounded by an irregular line, the major portion of the lot or subdivision shall be enclosed by a meander line showing complete data with distance along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less" if variable. In all cases the true boundary shall be clearly indicated on the plat.
- 2.14** All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."
- 2.15** All adjoining properties shall be identified, including lines of adjoining streets and alleys with their widths and names, and where such adjoining properties are a part of a recorded subdivision the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.
- 2.16** The purpose of any easement shown on the plat must be clearly stated, and shall be confined to only those that deal with public utilities, such as gas, power, telephone, water, and such drainage easements as deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance must be approved by the governing or jurisdictional body or their agent prior to recording of the final plat.
- 2.17** No strip of land shall be reserved by the subdivider unless the same is of sufficient size and shape to be of some practical use or service.
- 2.18** All blocks must be numbered or lettered in consecutive order. All lots within each block must be numbered in consecutive order. All streets must be named, numbered, or lettered in accordance with the Rural Address System Ordinance.
- 2.19** The purpose of all areas dedicated to the public must be clearly indicated or stated on the plat.



- 2.20** All protective covenants or private restrictions pursuant to Article V, Section 2 of this ordinance shall be shown on the plat and correctly referenced.
- 2.21** The proper acknowledgment of owners and mortgages accepting said platting and restrictions shall be shown on the plat.
- 2.22** When a proposed entrance of the subdivision is onto a county road, the approval of the County Engineer regarding such entrance shall be appended to the plat; except, where such control is exercised by the Iowa Department of Transportation and then the approval of this body shall accompany the final plat.
- 2.23** The following access provisions shall be compiled with:
  - 2.231** Entrances to individual lots will not be approved from any established public highway.
  - 2.232** Access to all lots shall be from the streets in the subdivision.
  - 2.233** When a proposed subdivision abuts and extends along a public highway, access must be from a frontage road located parallel to and between the right-of-way and the subdivision. The frontal road shall be set back so as to permit an increase in the right-of-way of the public highway.
  - 2.234** Connections of proposed streets or frontal roads with the established public road shall be spaced a minimum of six hundred sixty feet (660') apart, unless the County Engineer recommends exceptions, which may be granted on account of adequate sight distances or other engineering reasons.
  - 2.235** When any single lot is laid out along a public highway which requires an entrance from the public highway, consideration must be given for sufficient distance back of the right-of-way line of the public road to establish a frontal road if there is any possibility of additional lot sales in the future.

**SECTION 3. VACATION OF PLATS BEFORE LOTS SOLD.**

The following procedures shall be followed in order to vacate any final plat before any plated lots have been sold:

- 3.1** Any final plat may be vacated by the subdivider thereof, with the consent of a majority of the entire membership of the County Board of Supervisors, at any time before the sale of any lots, by a written instrument declaring the same to be vacated, executed, acknowledged, and recorded in the same office with the plat to be vacated, and to divest all public rights in the streets, alleys, and public grounds described therein.
- 3.2** Any part of a final plat may be vacated pursuant to Sub-section 3.1.
- 3.3** Nothing contained in this section shall authorize the closing or obstruction of highways.
- 3.4** When any part of a final plat is vacated, the owners of the lots may enclose the streets and public grounds adjoining them in equal proportion, except as provided in Sub-section 3.6.
- 3.5** The Muscatine County Recorder shall write across that part of the plat so vacated the word "vacated", and make a reference on the same to the volume and page in which the instrument is recorded.
- 3.6** Vacations made under this section shall not be construed to affect any lands lying within the County which have been dedicated or deeded and have been accepted by the County for public parks or other public purposes.

#### **SECTION 4. VACATION OF PLATS AFTER LOTS SOLD.**

The following procedures shall be followed in order to vacate any final plat after any platted lots have been sold:

- 4.1** Any final plat may be vacated by the subdivider thereof, in cases where lots in the subdivision have been sold, in the same manner as provided in Sub-section 3.1. of this ordinance, except that all of the owners of lots in the plat must join in the execution of the aforesaid writing.
- 4.2** Any part of a final plat may be vacated pursuant to Sub-section 3.1 of this ordinance, except that all of the owners of lots in the part of the plat to be vacated must join in the execution of the aforesaid writing.
- 4.3** Nothing contained in this section shall authorize the closing or obstruction of highways.
- 4.4** When any part of a final plat is vacated, the owners of the lots may enclose the streets, and public ground adjoining them in equal proportion, except as provided in Sub-sections 4.6 and 4.9.
- 4.5** The Muscatine County Recorder shall write across that part of the plat so vacated the word "vacated", and make a reference on the same to the volume and page in which the instrument is recorded.
- 4.6** Vacations made under this section shall not be construed to affect any lands lying within the County, which have been dedicated or deeded and accepted by the County for public parks or other public purposes.
- 4.7** Whenever the owners of one or more lots in a plat which has been recorded, shall desire to vacate a part of the plat, a petition, signed by all the owners of lots adjoining or within two hundred feet (200') of the lots and roads, streets or alleys to be vacated, shall be submitted to the Muscatine County Zoning Commission. Upon hearing, the County Zoning Commission shall submit its recommendation to the Muscatine County Board of Supervisors.
- 4.8** The County Zoning Administrative Officer shall give notice of hearing before the County Zoning Commission by publication in a newspaper of general circulation published within the county at least fifteen (15) days prior to the date of the hearing, and by certified mail to all owners of lots adjoining or within two hundred feet (200') of the lots and roads, streets or alleys to be vacated. Notice of hearing before the County Board of Supervisors upon the County Zoning Commission recommendation shall be by publication in a newspaper of general circulation published within the county at least fifteen (15) days prior to the date of the hearing, and by certified mail to all owners of lots adjoining or within two hundred feet (200') of the lots and roads, streets or alleys to be vacated.
- 4.9** Notice of hearing before the County Zoning Commission and the County Board of Supervisors shall include the time and place of such hearing, the location of the particular plat, and road, street or alley, or part thereof, the vacation of which is to be considered, and such other data as may be deemed pertinent.
- 4.10** At the hearing upon the petition and recommendation of the County Zoning Commission, the County Board of Supervisors, if it shall appear that all the owners of lots in the part of the plat and road, street or alley to be vacated desire the vacation, and there is no valid objection thereto, a decision shall be rendered vacating such portion of the plat and the roads, streets, or alleys therein, and for all purposes of assessment such portion of the County shall be as if it had never been platted into lots; but if any street as laid out on the plat shall be needed for public use, it shall be excepted from the order of vacation and shall remain a public highway. A copy of the vacation decision rendered by the County Board of Supervisors shall be filed with the Muscatine County Auditor.

**4.11** At or before the hearing of the petition before the County Zoning Commission, the County Engineer shall submit an affidavit stating that the roads, streets and alleys proposed to be vacated are not accepted by the County, are not generally used by the public, the County does not maintain or exercise control over these roads, streets and alleys, and the County will execute a Quit Claim Deed for the roads, streets and alleys vacated pursuant to this ordinance to adjacent land owners upon request and receipt of an accurate legal description.

## **SECTION 5. REPLATTING.**

The owner of any lots in a vacated plat may cause the same and a proportionate part of the adjacent streets and public grounds to be replatted and numbered by a registered land surveyor in the same manner as is required for platting in the first instance, and when such plat is acknowledged by such owner, and is recorded as provided in this Ordinance, such lots may be conveyed and assessed by the number given them on such plat.

## **ARTICLE IV: IMPROVEMENTS**

### **SECTION 1. IMPROVEMENTS.**

**Improvements Required.** Before any portion of the final plat of any subdivision is finally approved for recording, the subdivider shall make and install improvements required as hereinafter stated, in that portion of the plat which is to be finally recorded. The final plat shall not be approved until the plans and specifications are acceptable to the County Engineer. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond or suitable alternative performance guarantee, approved by the County Board of Supervisors and County Treasurer, which bond will insure to the County that the improvements will be completed by the subdivider within three (3) years after final approval of the plan and to provide for the repairs necessitated by defects in material or workmanship within two (2) years of completion of said improvements. The amount of the bond shall not be less than the estimated cost of the improvements as determined by a Registered Professional Engineer acting for the subdivider and the amount of the estimate must be approved by the County Engineer.

Before any dwelling or mobile home can be occupied, all improvements passing the front of the dwelling or mobile home must be complete.

### **SECTION 2. MINIMUM IMPROVEMENTS.**

**2.1 Streets.** The subdivider shall grade and improve all streets within the subdivision. The plat must show that the streets will not be dedicated as public responsibility, but are to be maintained by the abutting property owners or the subdivision's home association.

**2.11** Two types of cross sections are provided for, namely: open type ditches for surface drainage and closed ditch section designed for surface water to be carried in adequately designed storm sewers and intakes as follows:

**2.111** Open type ditches for surface drainage specifications:

Shoulder-to-shoulder width - minimum of thirty feet (30').

Crown - minimum of six inches (6").

Fore slopes - minimum of two (2) to one (1).

Ditch bottom width - variable, minimum of four feet (4').

Back slopes - minimum of one and one-half (1-1/2) to one (1).

Cross Road Culverts - size; as required by Talbot's Formula using a maximum rainfall of four inches (4") per hour.

Cross Road Culverts - type and minimum depth of fill shall meet manufacturer's limitations.

Entrance pipe - diameter; minimum of eighteen inches (18"). Type, either concrete or corrugated metal pipe.

Surfacing for subdivisions with less than 40 lots - minimum construction: six inches (6") rolled stone base with double bituminous seal coat as per current Iowa Department of Transportation Standard Specifications.

Surfacing for subdivisions with 40 or more lots - minimum construction: 22' width, soil sub-base with moisture and density control of 95 PFC or greater, with 6-inches (6") rolled stone base and 3-inches (3") asphalt concrete wearing surface.

**2.112** Closed Ditch Section - designed for surface water to be carried in adequately designed storm sewers and intakes specifications:

Shoulder-to-shoulder - width; minimum of forty-three feet (43').

Combination curb and gutter - minimum width back to back of curbs; thirty-one feet (31').

Curb height above gutter - minimum of six inches (6").

Cross road and entrance culverts - same requirements as set out for open type ditch section.

Surfacing - minimum construction shall be a four inch (4") soil aggregate sub base, with a six inch (6") rolled stone base and a three inch (3") asphaltic concrete wearing surface, or a six inch (6") unreinforced portland cement concrete pavement, or a four inch (4") black base and two inch (2") mat.

**2.12** The street profiles and drainage connected with such streets shall be determined by a Registered Professional Engineer. In any subdivision containing a lot or lots of less than one (1) acre, the County Zoning Commission shall determine which type of cross section shall be required by the owner or subdivider.

**2.2 Sanitary Sewer System.** All components and facilities shall be constructed in conformance with the Private Sewage Disposal Systems Ordinance of Muscatine County, including mandatory connection to a public sewer system when it is reasonably accessible or when it is not reasonably accessible, use of an approved onsite wastewater treatment and disposal system.

**2.3 Water System.** All components and facilities shall be constructed in conformance with the Water Wells Ordinance of Muscatine County.

**2.4 Storm Water Management.** All components and facilities of an approved Storm Water Management Plan shall be constructed in conformance with the plan.

**2.5 Minimum Lot Size.** Fifteen thousand square feet (15,000 sq. ft.) lots as outlined in the R-3 zoning classification and the five thousand (5,000) or seven thousand (7,000) square feet outline in the M-1 zoning classification will not be permitted unless a community well and central sewerage system is provided to serve all dwelling units. A minimum lot of twenty thousand square feet (20,000 sq. ft.) in the R-2 zoning classification may be approved if private septic tanks and wells are to be used, provided that the size of septic

tanks and subsurface absorption system and location and depth of individual wells meet the requirements of the Division of Engineering of the Public Health Department of the State of Iowa.

Approval of this lot size or R-2 zoning classification under the sewage and water supply facilities may be denied if the soil type is such that the individual septic tanks will contaminate the ground water used for the water supply.

- 2.6 Fire Wells and Water Hydrants.** Fire wells or water hydrants or both must be located at adequate intervals in the subdivision. Water hydrants must be provided only when access to a municipal water system is within one-fourth (1/4) mile of the subdivision.
- 2.7 Plantings.** The subdivider shall not plant trees on the parking area of any street in subdivisions.
- 2.8 Additional Improvements.** The County Zoning Commission may require the installation of sidewalks or pedestrian ways and street lights. The subdivider may also be required to grade and seed or sod all lots, plant trees, install street signs and provide parks, playgrounds and recreation areas.
- 2.9 Fences.** When a subdivision adjoins property used for agricultural purposes, the subdividers shall assume the responsibility of construction and maintenance of a fence along the common boundary between the subdivision and the agricultural property. The fence shall be of thirty-two inch (32") woven wire construction, with steel or wooden posts set every twelve feet (12'), and with three (3) strands of barbed wire. The subdivider must transfer this responsibility to the subsequent property owners.

### **SECTION 3. EASEMENTS**

The following minimum standards shall apply to the granting of easements:

- 3.1 Streams.** Where a subdivision is traversed by a water course, drainage way, channel or stream, the subdivider shall make adequate provision for straightening or widening the channel so it will properly carry the surface water and shall also provide and dedicate to Muscatine County an easement for access fifteen feet (15') wide adjoining the top of both banks of such water course and substantially following the lines of such water course, or the relocation of the water course.
- 3.2 Utilities.**
  - 3.21** All plats shall provide for utility easements; such easements shall have minimum widths of fifteen feet (15') and, where located along adjoining lot lines, one-half the width shall be taken from each lot. Before approval of any plat, the location of such easements shall be submitted for approval of local public utilities companies.
  - 3.22** A perpetual easement shall be granted over and along areas shown on the plat and marked "Easement" in which utility agencies may install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, and the right to install service drops either overhead or underground from point of service to any house or building in a line which may cross more than one lot if necessary, together with guys, anchors and other equipment for the purpose of servicing lots in the subdivision and other property, if expedient, with water, sewer, telephone, gas and electric service as part of the respective utility systems. There shall also be granted the right to trim and keep trimmed any trees or shrubs which may interfere or threaten to interfere with any of such public utility equipment, and the right shall also be granted to such agencies to enter upon the lots at all times necessary for the purposes aforesaid. No permanent buildings or trees shall be placed on areas shown on any plat and marked as "Easement" but same may be

used for gardens, shrubs, landscaping and other purposes which do not then or shall not later interfere with the aforesaid uses or the rights to be granted.

**3.23** The foregoing right shall be granted upon the express condition that the respective utility agencies will assume liability for all damage to the property caused by failure to use due care in exercise of the granted right.

**3.24** Upon receipt of a proposed plat from the proprietor, the utility agencies affected shall within ten (10) days thereafter approved, disapprove and give reasons, or do nothing. The County Zoning Commission shall make the final decision in those incidents of conflict between utility agencies and proprietor.

#### **SECTION 4. MONUMENTATION OF LAND SURVEYS.**

Any boundary control monument set by a land surveyor shall be of reasonably permanent material solidly embedded in the ground and capable of being detected by magnetic or electronic equipment in common use. In addition, the land surveyor shall solidly affix to the top of the monument a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the land surveyor. Aliquot corners shall be marked in accordance with the procedure described in the "Manual of Instructions for the Survey of the Public Lands of the United States." If only one reference or witness corner is used, it must be an actual boundary line or prolongation thereof, otherwise at least two such reference or witness monuments shall be set. No land surveyor shall remove or destroy existing evidence to a boundary when setting a monument. Such evidence shall be lowered in its true position and be fully described in the field notes and plat of survey.

### **ARTICLE V: MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT**

#### **SECTION 1. APPLICABILITY.**

No preliminary or final plat and plan of a proposed subdivision shall be considered for approval unless it conforms to the following minimum standards of design necessary to protect public health, safety and general welfare.

#### **SECTION 2. CHARACTER OF DEVELOPMENT.**

The County Zoning Commission shall confer with the subdivider regarding the type and character of development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the County Zoning Commission. Based on the land suitability and zoning regulations or proposed zoning district for the subdivision, the County Zoning Commission may require that certain minimum deed restrictions be placed upon the property.

#### **SECTION 3. LANDS SUBJECT TO FLOODING.**

A subdivision containing land located in a floodway or a flood hazard area shall conform to the Muscatine County Flood Plain Management Ordinance, Title III, Chapter IV.

#### **SECTION 4. PLAT TO CONFORM TO COMPREHENSIVE PLAN.**

The arrangement, character, extent, width, grade and location of all streets, and the general nature and extent of the lots and uses proposed, shall conform to the *Muscatine County Comprehensive Plan* and shall conform to such other plans, including but not limited to a County Road or Street Plan, Sanitary Sewer System Plan, a Water System Plan or a Parks and Open Space Plan, provided such plan has been adopted by the County.

**SECTION 5. CONSTRUCTION STANDARDS FOR IMPROVEMENTS.**

In addition to the standards set forth in this Ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards for public improvements. Such standards shall contain the minimum acceptable specifications for the construction of improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets and roads or other improvements, and the extent and character of the area served by the improvements. Upon adoption, such standards shall have force and effect as if they were fully set forth herein.

**SECTION 6. ENGINEERING CERTIFICATION.**

All designs, materials, inspection and construction procedures on said streets shall be certified to the County Engineer by a written report signed by a Registered Professional Engineer.

**SECTION 7. LARGE LOT SUBDIVISIONS.**

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

**SECTION 8. LOT CONFIGURATION.**

Side lines of lots shall be at right angles or radial to the street line or substantially so; and along curvilinear street lines, side lines of lots formed by radial projections shall form a lot having not less than twenty feet (20') across the rear property line.

**SECTION 9. STREET DESIGN.**

**9.1 Relation to Adjoining Street Systems.** The arrangement of streets in new subdivision shall make provisions for the continuation of the principal existing streets in adjoining additions or their projection where adjoining property is not subdivided.

**9.2 Right-of-Way Requirements.** The following minimum right-of-ways shall be provided:

Collector streets	66 feet
Minor streets	66 feet
Cul-de-sac streets	66 feet
Marginal access streets	66 feet
Pedestrian ways	10 feet

**9.3 Thoroughfares.** Thoroughfares and other higher class streets shall meet standards designated by the County Board of Supervisors with the advice of the County Zoning Commission.

**9.4 Cul-de-sac Streets.** Cul-de-sac streets shall be no more than five hundred feet (500') long. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred and ten feet (110').

**9.5 Alleys.** Alleys shall not be permitted in a residential district unless deemed necessary by the County Zoning Commission.

**SECTION 10. SANITARY SEWER DESIGN.**

Subdivisions containing forty (40) or more lots shall provide common sanitary sewerage treatment using the administrative rules of the Iowa Department of Natural Resources. Subdivisions containing less than forty (40) lots may install septic systems in lieu of the common treatment using County Health Department standards. If the developer or the developer's successors subsequently files a Preliminary Plat or Final Plat which would increase the total number to forty (40) or more lots, the County Zoning Commission shall not consider such plat until the developer

installs or, agrees to install, at his own expense, common sewer to the previously approved lots. This restriction covers all contiguous land which the developer owns or purchases in the future. A bond or performance guarantee as described in Article IV, Section 1 may be posted in lieu of sewer installation. Lots where septic systems are proposed shall provide adequate space for two (2) septic fields, the second field to act as a back up when the first field fails.

Subdivisions containing twenty (20) lots or more shall submit plans on the preliminary plat that include provisions for entity managed waste water treatment systems. Preliminary soil evaluations or percolation test results shall be included and space reserved on each lot for accommodating individual treatment systems or portions of a community treatment system shall be included on the preliminary plat. In the event that soil conditions dictate that alternate systems such as a sand filter be required, a common discharge line shall be noted on the preliminary plat and installed by the developer where topography allows. Individual sampling ports shall be installed where necessary. A management entity may be anyone qualified to sample and/or maintain the types of systems present in the development. Proof of contract with a qualified management entity shall be provided prior to any system be permitted or any occupancy being granted for any residence within the development.

**SECTION 11. PEDESTRIAN WAYS.**

Pedestrian ways may be required in blocks of length greater than nine hundred feet (900').

**SECTION 12. RAILROADS.**

When the area to be subdivided adjoins a railroad right-of-way, no street shall be planned which is parallel or approximately parallel to the railroad, unless it is one hundred fifty feet (150') or more from the line of the railroad right-of-way.

**SECTION 13. PARKS, PLAYGROUNDS AND RECREATION AREAS.**

The subdivider of all residential subdivisions with forty (40) or more lots shall reserve land for parks and playgrounds or other recreation purposes in locations where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general character and shall have adequate road access for the particular purpose. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes". The subdivider shall use the following table, which is based on providing three (3) acres of recreation area for every one hundred (100) dwelling units. The County Zoning Commission may refer such proposed reservations to the Muscatine County Conservation Board for recommendations. The reservation shall be preserved by covenant of private open space, provided there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such parks and playgrounds or other recreation purposes.

**Table of Recreation Requirements**

<b>Single Family Lots Size of Lot</b>	<b>Percentage of Total Land Subdivision to be Reserved Recreation Purposes</b>
80,000 sq.ft.	or > 1.5%
50,000 sq.ft.	2.5%
40,000 sq.ft.	3.0%
35,000 sq.ft.	3.5%
25,000 sq.ft.	5.0%
15,000 sq.ft.	8.0%



## **ARTICLE VI: VARIATIONS AND EXCEPTIONS**

### **SECTION 1. VARIATIONS AND EXCEPTIONS PERMITTED.**

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the Muscatine County Subdivision Ordinance would result in substantial hardships or injustices, the County Board of Supervisors upon recommendation of the County Zoning Commission may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of the Muscatine County Subdivision Ordinance and granted with the view toward protecting the public interest and welfare. Any variance recommended by the County Zoning Commission is required to be entered in writing in the minutes of the County Zoning Commission and the reasoning on which the departure was justified shall be set forth.

### **SECTION 2. LIMITATIONS.**

In no case shall any variation or modification be more than a minimum easing of the requirements of the Muscatine County Subdivision Ordinance. In no case shall it have the effect of reducing the traffic capacity of any street or be in conflict with any zoning ordinance or map.

### **SECTION 3. APPROVAL REQUIRED.**

Such variances and waivers may be granted by an affirmative vote of two-thirds (2/3) of the members of the County Board of Supervisors.

### **SECTION 4. CONDITIONAL APPROVAL.**

In granting variances and modifications, the County Board of Supervisors may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

## **ARTICLE VII: AMENDMENTS**

### **SECTION 1. AMENDMENTS.**

Any regulation or provisions of this ordinance may be changed and amended from time to time by the County Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the County Zoning Commission and until after a public hearing has been held, a public notice of which shall have been given in a newspaper of general circulation in the County at least fifteen (15) days prior to such hearing.

## **ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT**

### **SECTION 1. ENFORCEMENT.**

No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have validity until it shall have been approved in the manner prescribed herein.

The County Zoning Administrative Officer shall not issue zoning certificates or permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance but which has not been approved in accordance with the provisions contained herein.

### **SECTION 2. VIOLATION AND PENALTY.**

Whoever, being the owner or agent of the owner of any land located within the unincorporated area of Muscatine County, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the County Board of Supervisors shall be punished by a fine not to exceed seven

hundred fifty dollars (\$750.00). If the violation is a repeated offense, a penalty not to exceed one thousand dollars (\$1,000.00) may be imposed. Nothing herein contained shall prevent Muscatine County from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 3. RESTRAINING ORDER.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the County, in addition to other remedies, may institute any proper action or proceed in the name of Muscatine County, Iowa, to prevent such unlawful erection, construction, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about said premises.

**SECTION 4. FEES.**

Before a preliminary plat shall be considered by the County Zoning Commission, the subdivider or his agency shall deposit with the Treasurer of Muscatine County, Iowa, in care of the County Zoning Administrative Officer, a fee determined by the County Board of Supervisors. Before a final plat shall be considered by the County Zoning Commission the subdivider or his agent shall deposit with the Treasurer of Muscatine County, Iowa, in care of the County Zoning Administrative Officer, a fee determined by the County Board of Supervisors.

**SECTION 5. INTERPRETATION, PURPOSE AND CONFLICT.**

Whenever the regulations of this Ordinance require a greater width of size of yards, court or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required in any other Statute or local Ordinance or Regulations, the provisions of this Ordinance shall govern. Whenever the provisions of any other Statute or Local Ordinance or Regulation require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required by this Ordinance, the provisions of such Statute or Local Ordinance or Regulation shall govern.

**SECTION 6. VALIDITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.