

**MAHASKA COUNTY ORDINANCE 32**

Providing Rules And Regulations For The Approval Of PLATS OF SUBDIVISIONS IN THE UNINCORPORATED AREAS OF MAHASKA COUNTY, IOWA, AND PRESCRIBING MINIMUM STANDARDS FOR THE DESIGN, LAYOUT, AND DEVELOPMENT THEREOF; PROVIDING FOR THE PRELIMINARY AND FINAL APPROVAL OR DISAPPROVAL THEREOF; PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; ALL FOR THE PURPOSE OF PROMOTING THE ADEQUACY, SAFETY, AND EFFICIENCY OF THE STREET AND ROAD SYSTEM; FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF MAHASKA COUNTY; AND REPEALING ALL OTHER ORDINANCES OR RESOLUTIONS IN CONFLICT HEREWITH

THIS ORDINANCE HEREBY REPEALS AND REPLACES ORDINANCE #32 ADOPTED SEPTEMBER 2, 2014. THIS ORDINANCE ALSO RESCINDS ORDINANCE #35 ADOPTED JULY 21, 2014.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MAHASKA COUNTY, STATE OF IOWA

- |                                 |                                |
|---------------------------------|--------------------------------|
| ___ .01 Title                   | ___ .07 Fees                   |
| ___ .02 Adoption                | ___ .08 Violations             |
| ___ .03 Definitions             | ___ .09 Changes and Amendments |
| ___ .04 Jurisdiction            | ___ .10 Validity               |
| ___ .05 Requirement/Application | ___ .11 Effective Date         |
| ___ .06 Subdivisions            | ___ .12 Fees Not Permanent     |

\_\_\_ .01 TITLE

This ordinance shall be known as the Rural Subdivision Ordinance of Mahaska County, Iowa.

\_\_\_ .02 ADOPTION

This ordinance adopts the provisions of Chapter 354 of the Code of Iowa, 2019 or as hereafter amended.

\_\_\_ .03 DEFINITIONS

For the purpose of this ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall

include the plural, and the plural the singular; the word shall is mandatory; the word "may" is permissive.

- A. Block - An area of land within a subdivision that is entirely bounded by streets, highways, ways, alleys, railroads, boundaries of the subdivision, boundaries of other properties or combination thereof.
- B. Building - Any roofed, floored or walled structure fixed or movable.
- C. Cul-de-sac - A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn around.
- D. Driveway - An area on private property, located outside any required road right-of-way, where automobiles or other vehicles are operated or allowed to stand.
- E. Easement - A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easements.
- F. Engineer - A licensed engineer who engages in the practice of civil engineering pursuant to Chapter 542B of the Code of Iowa.
- G. Surveyor - A licensed surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa
- H. Plat - A map, drawing, or chart on which the sub-divider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
- I. Re-subdivision - Re-subdivision shall mean the change in a map of an approved subdivision if such change affects any street layout shown on such map, affects any area reserved for public use or is labeled as an out lot or diminishes or enlarges the size of any lot shown thereon and creates an additional building lot.

#### \_\_\_\_. 04 JURISDICTION

In cases where a building, a sub-division, or a plat of survey lies within two (2) miles of a city or town that has enacted an ordinance allowing said city or town to exercise supervision over land within two (2) miles of its boundaries, the Planning and Zoning Commission of such city or town and the Mahaska County Board of Supervisors shall both review and approve or disapprove the building plans and/or plat.

## \_\_\_\_.05 REQUIREMENT/APPLICATION

No person shall begin construction of a building nor sell or offer for sale any building lot or lots for the purposes of building construction within the unincorporated area of Mahaska County until the owner thereof has complied with all requirements of this ordinance.

. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide said tract or parcel into three (3) or more parts for the purpose of immediate or future building construction shall cause a survey of the land and shall cause a plat thereof to be made in accordance with the requirements of this ordinance and Chapters 354 and 355 of the Code of Iowa.

## \_\_\_\_.06 SUBDIVISIONS

### A. PROCEDURE

Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County subdivides or plans to subdivide said tract or parcel, he or she shall cause to be prepared a preliminary plat of said subdivision and shall submit one (1) copy of said preliminary plat and other information to the County Engineer. The scale of the plat shall be one inch equals fifty feet in a subdivision of three or fewer lots and one inch equals one hundred feet in a subdivision of more than three lots. The said owner shall pay a fee as shown in Section 7 at the time of the filing of said preliminary plat. The preliminary plat is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the proper authorities to determine whether the proposed division of the land in question is in compliance with state law, this ordinance, and the best interests of the public. Copies of the preliminary plat shall be given to the County Sanitarian, County Assessor, and the Mahaska County Board of Supervisors, and the final copy shall be retained by the Engineer.

The County Engineer shall review the plat in relation to the proposed location, entry points from established roadways, roadways created within the subdivision, setback, and other public safety requirements.

The County Sanitarian shall review the plat in relation to the proposed water, utilities in place and planned for the future, and sanitary sewage systems and determine if it is in compliance with the rules of the Mahaska County Board of Health, state law, and this and other applicable ordinances. He or she shall also review the location of any livestock or poultry confinement operations or feedlots in the vicinity of the proposed subdivision. He or she shall then make a written recommendation to the Mahaska County Board of Supervisors and if he or she recommends disapproval, he or she shall state the reasons, therefore.

The County Assessor shall review the plat and determine if it is in compliance with the requirements of state law and this ordinance as it applies to the operations of his or her office. The assessor shall then make a written recommendation to the Mahaska County Board of Supervisors and if he or she recommends disapproval, he or she shall state the reasons therefore.

The recommendations of all parties shall then be submitted to the Mahaska County Board of Supervisors for its review in accordance with Section 354.8 of the Code of Iowa and this ordinance. The said Board of Supervisors shall decide whether additional actions are required of the owner in accordance with state law, this ordinance, in conformance with the Comprehensive Plan of the County, or in the interests of the public. The actions of the Board of Supervisors shall be included in the Minutes of the meeting. Any aggrieved party may appeal the decision by the Mahaska County Board of Supervisors in the manner provided in Section 354.10 of the Code of Iowa.

After the owner has complied with the requirements for approval of the preliminary plat, the owner must install any improvements required by this ordinance and otherwise comply with the requirements of this ordinance which may include performance guarantees to insure the installation of required improvements within one (1) year after the final approval of the plat, if appropriate. The owner shall provide information to and obtain a statement from the County Engineer that he or she has received a map showing all utilities and their exact location and elevation and shall submit this information to the Auditor. The owner must also comply with the requirements of Sections 354.6, 354.11 and 355.8 of the Code of Iowa and this ordinance.

## B. FINAL PLAT

In the event the preliminary plat is approved and the additional requirements are complied with, the owner shall then submit one (1) copy of the final plat for review by the same parties who reviewed the preliminary plat. The final plat shall be prepared at the same scale as the preliminary plat and shall include all the information and documents required by Sections 354.6, 354.11 and 355.8 of the Code of Iowa. At the time of the filing of the final plat, the owner shall pay a fee as shown in Section 9. In addition the following shall be submitted:

1. A plan and profile of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show the location, size, and grade of all conduits, sewers, pipelines, etc. placed or to be placed under the streets and alleys.
2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

3. A deed or easement to the County, properly executed, for all streets intended as public streets, and for any other property intended for public use. Any deed shall be held in escrow by the County until such time as the improvements are satisfactorily completed and accepted by the Board of Supervisors. The deed shall then be filed with the County Recorder as a permanent record.
4. No street, alley, park, open area, public improvement, or utility, or other portions of a subdivision shall be dedicated to public use or accepted by the County unless or until a specific request is made by the owner and the Board of Supervisors has specifically accepted said street, alley, park, open area, public improvement, or utility, or other portion of the subdivision after a public hearing thereon. The recording of a plat shall not be considered a dedication by the owner nor an acceptance by the County.
5. The Board of Supervisors shall consider the recommendations of the County Engineer, the County Sanitarian, and the County Assessor for the approval or disapproval of the final plat. The final action shall be in the form of a resolution approving or disapproving the plat. In the event the County accepts any such portion of the subdivision, the resolution of the County accepting said portion shall be filed with the County Recorder at the time of filing of the final plat. In the event of a disapproval, the reasons therefore shall be stated in the resolution. Any aggrieved party may appeal the decision in accordance with the provisions of Section 354.10 of the Code of Iowa.
6. Upon final approval in accordance with the Code of Iowa and this ordinance, the final plat shall be filed with the County Recorder with all the attachments required by Section 354.11 of the Code of Iowa and this ordinance.

### C. SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the sub-divider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood, and shall conform to the design standards established by the County Engineer as approved by the Board of Supervisors.

#### 1. Streets

##### (a) Comprehensive Plan

All proposed plats and subdivisions shall conform to the Comprehensive Plan of the County.

(b) Continuation of Existing Streets

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty-six (66) feet in width except as indicated by paragraph(o) below, and in similar alignment unless variations are recommended 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 un-subdivided land. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required by the County Engineer.

(d) Street Intersections

Street intersections shall be as nearly at right angles as possible. Any private roadway approved by the County shall provide permanent un-obstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

(e) Cul-de-sac

Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred and thirty-two (132) feet in the case of residential subdivisions. 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 thirty (30) feet.

(f) Street Names

All newly platted streets shall be named in a manner consistent with the present street name system. The owner shall contact the Director of the Mahaska E-911 Center and obtain street names and house numbers as may be appropriate.

(g) Physical and Cultural Features

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features in which would provide for an attractive development.

(h) Half Streets

Dedication of half streets will not be accepted unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided. In that event the other half shall be platted if deemed necessary by the County Engineer.

(i) Alleys

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

(j) Easements

Easements for utilities, if needed, shall generally be provided along rear or side lot lines or along alleys. Whenever any stream or important surface water course is located in an area that is being subdivided, the sub-divider shall, at his or her own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water.

(k) Neighborhood Plan

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

(l) Un-subdivided Portion of Plat

Where the plat to be submitted includes only part of the tract owned by the sub-divider, the County Engineer may require topography and a sketch of a tentative future street system of the un-subdivided portion.

(m) Major Thoroughfares

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

(a) A parallel street supplying frontage for lots backing on to the traffic way.

(b) A series of cul-de-sacs or short loops entered at approximate right angles from a parallel street with their terminal lots backing on to the highway.

(c) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.

(d) A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private driveways from having direct access to the traffic way.

(n) Railroads

If a railroad is involved, the subdivision plan should:

(a) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

(b) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back on to the railroad; or form a buffer strip for park, commercial, or industrial use.

(c) Provide cul-de-sacs at approximate right angles from the street so as to permit access to the lots.

(o) Street Width

The width of residential streets shall not be less than sixty-six (66) feet unless the street is paved with curb and gutter, in which case the minimum right-of-way width shall be fifty (50) feet. Additional width may be required where justified by traffic needs.

(p) Street Grades

Streets and alleys shall be constructed to grades which have been officially approved by the County Engineer. All Streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade expressed in feet per hundred, but in no case less than three hundred (300) feet in length; for secondary minor streets, fifteen (15) times, but in no case less than two hundred (200) feet. A greater minimum length of vertical curve may be required by the County Engineer if deemed necessary. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.

2. BLOCKS



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

b. At street intersections, block corners shall be rounded with a radius of not less than thirty (30) feet. Where, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.

### 3. LOTS

a. The area of all lots shall be not less than two (2) acres, excluding any right-of-way or easement. Lots along existing public roads shall have a minimum setback of seventy-five hundred (75) feet from the centerline of the road or twenty-five (25) feet from right-of-way whichever is greater. Lots along streets within the subdivision shall have a minimum of 25' setback from lot line. Setback applies to both street sides of the lot in order to permit adequate building setbacks on both front and side streets.

b. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway.

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 dictated by topography, lot lines shall be straight.

### 4. IMPROVEMENTS

For subdivisions being developed within the unincorporated area of the County, the following road standards shall apply as the minimum acceptable standards:

A. Stopping sight distance	550 feet
B. Maximum curvature	8 degrees
C. Maximum gradient	7 percent
D. Surface width (granular or hard-surfaced)	22 feet
E. Shoulder width (granular or earth)	6 feet
F. Roadway top	34 feet
G. Bridge width	30 feet
H. Clear zone	10 feet
I. Fore slope	3:1
J. Back slope	2:1

- K. Ditch cut 3 feet
- L. Ditch bottom 4 feet
- M. Culverts new riveted corrugated metal pipe at least 18 inches in diameter
- N. Sub-base (as defined by section 2111IDOT standards) 7 inches
- O. Granular surface course - 3/4 inch road stone (limestone) 4 inches
- P. Construction inspection and "as completed" road design documentation

(a). Subdivision roads shall be hard surfaced. All streets shall be paved with a minimum of seven (7) inches of concrete or nine (9) inches of HMA (hot mix asphalt) on top of a six (6) inch drainable rock base. Detailed pavement designs may be required at the request of the County Engineer.

(b) All work is to conform with current Iowa Department of Transportation specifications for material and construction.

(c) No plat of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements.

(d) County Engineer shall specify minimum standards for other streets.

(e) Water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be at least two (2) feet outside of the curb or traveled roadway on the high side of the street; with a minimum cover of forty-two (42) inches.

(f) Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.

(g) Underground cables shall be laid either just outside of the property line or within the area of the perpetual utility easement. Overhead line shall be placed at the back lot lines within the area of perpetual utility easement.

(h) Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches.

(i) Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with the County Board of Health.

(j) Storm sewers shall have a minimum diameter of eighteen (18) inches and larger as the increase in drainage area demands. Storm sewers are to be located on the low side of the street well outside the curb or traveled roadway line.

(k) Storm drainage facilities shall be provided, such as storm sewers, intakes, retention basins, and suitable permanent culverts or bridges of a size and design approved by the County Engineer.

(l) Street signs shall be required at all intersections and shall be of a type subject to the specifications adopted by the County Engineer.

(m) The sub-divider shall be responsible for the installation and or construction of all improvements required by his ordinance and shall warrant the design, material, and workmanship of such improvements, installation and/or construction for a period of four (4) years from and after completion by purchase of a maintenance bond made in favor of the County. A copy of such bond shall be filed with the County Engineer before any construction will be permitted.

(n) In any subdivision for which the sub-divider elects to complete the required improvements in portions of the platted area after the approval of the final plat, no building permit shall be issued until sanitary sewer mains, water mains, and their appurtenances and street paving with curb and gutter are constructed, where applicable.

(o) The sub-divider shall make and install the improvements described in Section 8, in accordance with current Iowa Department of Transportation specifications for material and construction. All improvements shall be inspected by the County or its consultant, the cost of which shall be reimbursable to the County by the Developer. An adequate deposit to cover such expense shall be made with the County by the Developer prior to the beginning of construction. The Board of Supervisors may accept completed streets for County Maintenance before improvements on all streets in the plat have been completed.

(p) The Board of Supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of re-subdivisions where only the size, shape, or arrangement of the lots is being changed: provided however, such waivers shall be limited to existing improvements in good repair as determined by the County Engineer. Improvements not existing or in poor repair shall be regular to meet the standards of this ordinance.

## 5. ENFORCEMENT

(a) No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.

(b) The Board of Supervisors shall not permit any public improvements over which it has control to be made from the Secondary Road Fund, or any County money expended for improvements or maintenance in any area that has been sub-divided or upon any street that has been dedicated after the date of the adoption of these regulations unless such subdivision or street has been approved in accordance with the provision contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of the County. Streets of a subdivision not accepted by the board as public highways shall remain private roads.

(c) Substandard work for any improvement shall be removed at owner's expense. Failure to remove substandard work within 120 days shall cause Mahaska County to have the substandard work removed and costs for such added to tax rolls.

#### \_\_\_\_. 07 FEES

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$500.00 at the time of filing a preliminary plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$200.00, Mahaska County Secondary Roads - \$200.00, Mahaska County Auditor - \$50.00, and Mahaska County Assessor - \$50.00. If individual sewage treatment or on-site systems are required, a \$250.00 environmental inspection fee which shall be paid to the Mahaska County Sanitarian at the time of construction.

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$200.00 at the time of filing of the final plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$50.00, Mahaska County Secondary Roads - \$50.00, and Mahaska County Auditor - \$100.00.

#### \_\_\_\_. 08 VIOLATIONS

Any person violating the terms of this ordinance shall be guilty of a county infraction punishable by a fine not to exceed \$750.00 per occurrence or any other injunctive remedies that the Court may impose. Each day that a violation occurs or is permitted to exist by a person, constitutes a separate offense.

#### \_\_\_\_. 09 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 are in accordance with Iowa Code Section 331.302.

\_\_\_\_. 10 VALIDITY

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

\_\_\_\_. 11 EFFECTIVE DATE

This ordinance shall be effective from and after the date of its final passage and approval.

\_\_\_\_. 12 FEES NOT PERMANENT

The fees set in Section 9 of this Ordinance are not intended to be permanent. The Board of Supervisors is authorized to adjust any fee it deems appropriate by resolution at any meeting of the Board of Supervisors. The change of fees must be on the agenda for the meeting with notice and the Board shall state its reasons for any changes.

DATED: May 17, 2021

\_\_\_\_\_  
Mahaska Co Board of Supervisors

Attest: \_\_\_\_\_  
Mahaska Co Auditor