

SUBDIVISION ORDINANCE
OF
CEDAR COUNTY, IOWA

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CONTENTS

| | | |
|-----------|---------------------------------------|----|
| CHAPTER 1 | PURPOSE | 4 |
| | Title | |
| | General Jurisdiction | |
| | Exemptions | |
| | Interpretation Of Standards | |
| | Plats Within Two Miles Of City | |
| | Subdivision Classified | |
| CHAPTER 2 | DEFINITIONS | 7 |
| CHAPTER 3 | PRELIMINARY PLATTING PROCEDURES | 11 |
| | Major Subdivisions | |
| | Preliminary Platting Procedures | |
| | Preliminary Plat Requirements | |
| | Preliminary Plat Attachments | |
| CHAPTER 4 | FINAL PLATTING PROCEDURES | 16 |
| | Major Subdivisions | |
| | Final Platting Procedures | |
| | Final Plat Requirements | |
| | Final Plat Attachments | |
| CHAPTER 5 | MINOR SUBDIVISION PLATTING PROCEDURES | 21 |
| | Minor Subdivisions | |
| | Minor Plat Requirements | |
| | Minor Plat Attachments | |
| CHAPTER 6 | REQUIRED IMPROVEMENTS | 23 |
| | Sewage Collection and Treatment | |
| | Water | |
| | Storm Water Management | |
| | Streets | |
| | Perimeter Fences | |
| | Monuments | |
| | Maintenance of Water and Sewer | |
| | Traffic Signs | |
| | Electric Utilities | |
| | Maintenance Agreement | |
| | Improvement Review | |
| | Improvement Warranty | |
| | Improvements or Bond Required | |

- Standards For Design And Development
- Large Lot Subdivision
- Relation To Adjoining Street System
- Streets - Four Lots Or More
- Streets - Three Lots Or Less
- Street Design
- Utility Easements
- Blocks
- Lots
- Building Lines
- Sanitary Sewers
- Storm Water Management
- Water
- Character Of Development
- Easement Along Streams
- Erosion And Sediment Control
- Protection Of Natural Vegetation Cover
- Open Space Requirement
- Perimeter Fences
- Protecting Integrity Of Drainage Tile

- General Purpose
- Order of Procedure
- Preliminary Plat - Plan (Major Subd./Major Plat)
- Minimum Right-of-Way Widths
- Minimum Pavement Thickness
- Final Plat - Road Plans
- Specifications And Requirements
- Roads General
- Roads And Roadway Drainage
- Inspection Of Roadway Construction
- Approval Of Final Plat Construction
- Engineer Inspection, Testing & Admin. Cost
- Acceptance Of Streets Into Co. System for Maint.
- Diagrams Of Road Cross-Sections & Layouts &
Stormwater Management Systems
- Diagram 1 - Local Residential
- Diagram 2 - Sub-Collector Streets
- Diagram 3 - Small Subdivisions
- Diagram 4 - Curb And Gutter Detail
- Diagram 5 - Residential Driveway Standards
- Diagram 6 - Minimum Standards For Cul-De-Sacs
- Diagram 7 - Sight Distances
- Diagram 8 - Open Ditch Intake For Tile Drain
- Diagram 9 - Storm Sewer Manhole Intake

Variations And Exceptions Permitted
Limitations
Approval Required
Conditional Approval
Amendments
Enforcement
County Infraction
Fees
Conflict And Severability

CHAPTER 1

PURPOSE, JURISDICTION, TITLE, EXEMPTIONS, INTERPRETATION, EXTRATERRITORIAL REVIEW AND CLASSIFICATION

1.1 PURPOSE

This Ordinance provides rules and regulations for the subdivision of land within the unincorporated areas of Cedar County, Iowa; prescribes standards for the design and development thereof; establishes procedures for the approval of preliminary and final plats and requires, as a condition of approval, certain improvements; all for the following purposes:

- A. To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems.
- B. To encourage orderly development in the unincorporated areas of Cedar County and provide for the regulation and control of the extension of public and private improvements and public services; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to provide for the improvement of land, and the design of subdivisions, consistent with the goals and policies set forth in the Cedar County Comprehensive Plan and amendments.
- C. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when Cedar County is reviewing proposed development, or enforcing land use regulations that will enable Cedar County to encourage efficient, yet attractive, development patterns; to provide for the agricultural, residential and business needs of the County through new and replatted subdivisions; to preserve the availability of agricultural land; to protect soil from wind and water erosion; and to protect environmentally sensitive areas from degradation.
- D. To ensure that all subdivisions of land in unincorporated Cedar County are reviewed in a consistent manner and to ensure that divisions of land do not escape review simply because they occur one division at a time or are performed to accord with legal proceedings, orders or testamentary dispositions.

1.2 TITLE

This Ordinance may be known and cited as the "Subdivision Ordinance" of Cedar County, Iowa.

1.3 GENERAL JURISDICTION

Cedar County hereby implements the authority granted counties to regulate the division of land as authorized by Chapter 354, 1995, Code of Iowa. All plats shall be submitted to the Cedar County Board of Supervisors or its designee for approval or disapproval.

No plat shall be recorded, no lots sold, and no land dedicated to the County unless and until approved as herein provided.

1.4 EXEMPTIONS

- A. The division of land into parcels of forty (40) acres or more (aliquot part) not involving any new road, street, easement or other dedication, shall not be considered a subdivision as defined herein and shall be exempt from the requirements of this Ordinance.
- B. Boundary line adjustments to parcels will not be considered a subdivision if the access is not affected, the new lot created is permanently attached to the existing lot for development purposes, and no new building

right is created.

- C. Auditor's Plat and Acquisition Plat, as prescribed in Chapter 354, 1995, Code of Iowa, is exempt from the subdivision review process but still must comply with the Plat of Survey approval process.

1.5 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be uniformly applicable minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

1.6 PLATS IN UNINCORPORATED AREAS WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF CITIES (OR INCORPORATED AREAS)

- A. The procedure for plats for which a city has extraterritorial subdivision review rights as granted by Section 354.9 of the 1995, Code of Iowa, shall be the same as set out for preliminary and final plats except as hereinafter provided.

1. The plat shall be submitted to both the city and the County for approval.
2. The standards and conditions applied by a city for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and County pursuant to Chapter 28E of the 1995, Code of Iowa.
3. Either the city or County may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of a subdivision, and certify the resolution which shall be recorded with the plat.
4. The Recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

B. APPEAL OF PLAT ACTION

Appeal of County action on a plat may be taken to district court by an applicant or a city having co-jurisdiction over the plat. Appeals must be filed within twenty (20) days of notification of the action appealed (or failure to act) and will proceed according to the provisions of Section 354.10 of the 1995, Code of Iowa.

1.7 SUBDIVISION CLASSIFICATION

Any proposed subdivision or re-subdivision shall be classified as a Major subdivision or a Minor subdivision before the review procedure begins. Subdivision classification is defined in Chapter 2.

CHAPTER 2

DEFINITIONS

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

1. A.A.S.H.T.O.: American Association of State Highway & Transportation Officials
2. Acquisition Plat: The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
3. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
4. Alley or Lane: A private way not more than thirty (30) feet wide affording, generally, secondary means of access to abutting property and not intended for general traffic.
5. A.S.T.M.: American Society for Testing Materials.
6. Auditor's Plat: A subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the Auditor or the Assessor. Such plats are intended to clarify property tax descriptions for the purposes of assessment and taxation.
7. Block: The smallest parcel or tract of land entirely surrounded by public highways, roads, railroad, rights-of-way, parks, streams, etc., or a combination thereof.
8. Board: The Cedar County Board of Supervisors.
9. Building Line: A line on a plat between which line and public right-of-way line no buildings or structures may be erected.
10. Commission: The Cedar County Planning and Zoning Commission.
11. Conveyance: An instrument filed with the Recorder as evidence of the transfer of title to land, including any form of deed or contract.
12. County: The unincorporated portions of Cedar County, Iowa.
13. County Engineer: The County Engineer for Cedar County or any of his assistants designated to act for the County Engineer in carrying out the duties prescribed by the Code of Iowa and the Cedar County Code.
14. Cul-de-sac: A dead-end street permanently closed to through-traffic, being terminated by a vehicular turn-around.
15. Dedication: A grant to Cedar County or other municipality of title in fee simple to land or other real property and improvements.
16. Division: The division of a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway, shall not be considered a division for the purpose of this Ordinance.

17. Easement: An authorization by a property owner for the use by another and for a specified purpose, of a designated part of owner's property.
18. Engineer: The registered engineer employed by the proprietor of a subdivision to prepare the design plans and specifications and to oversee the construction of all engineering improvements shown on the approved final plans and the requirements of Chapter 9 (Subdivision Ordinance) of the Cedar County Code.
19. Final Plat: The graphical representation of the subdivision of land and accompanying legal documents and certificates which meet the requirements of this Ordinance and comply with Chapters 354 and 355, Code of Iowa, and when approved by the Board of Supervisors, will be recorded in the office of the Cedar County Recorder.
20. Flag Lot: A lot shaped like a flag attached to a flag pole, where the buildable portion of the lot is connected to a street by a narrow strip or stem of land used as the driveway.
21. Government Lot: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
22. I.D.O.T.: Iowa Department of Transportation.
23. Improvements: Changes to land necessary to prepare it for building sites, carried out by a subdivider in the initial stages of development, including but not limited to, grading, installation of wells, water mains, sewers, drainage structures and street surfacing. However, the term shall not apply to entrances to public roads serving only private driveways and private access easements as herein defined, or to survey markers.
24. Laboratory: Any materials testing laboratory which is approved by the County Engineer.
25. Lot: A parcel of land, represented and identified by number or letter designation on an official plat, occupied or intended for occupancy by one (1) main building together with its accessory buildings, including the open spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
26. Lot of Record: A lot which is part of a subdivision, recorded in the Cedar County Recorder's Office.
27. Major Subdivision Plat: All subdivisions not classified as minor plats, including but not limited to subdivisions of four (4) or more lots or any size plat requiring any new private or public road or street or extension of public facilities, or the creation of any public or private improvements.
28. Minor Subdivision Plat: Any subdivision or re-subdivision containing not more than three (3) lots not involving any new private or public street or road, or extension of public facilities, or the creation of any public or private improvements, and not adversely affecting the remainder of the parcel or adjoining property.
29. Non-residential Agricultural Purposes: The use of land zoned A-1 Agricultural District for an agricultural use without any existing or proposed improvements as herein defined.
30. Outlot: A lot which is too small, too irregular, or inaccessible to allow the construction of a house or business building; or the remaining area of a large parcel from which one or more smaller lots have been subdivided.
31. Owner: Any person, or legal entity, having legal or equitable title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
32. Parcel: A part of a tract of land.
33. Performance Bond: A surety bond or cash deposit made out to the Board of Supervisors in the amount equal to the full cost of the improvements which are required by this regulation, said cost estimate being reviewed

along with pertinent information by the County Engineer and said surety bond or cash deposit being legally sufficient to secure to the County that the said improvements will be constructed in accordance with this Ordinance.

34. Person: "Person" as used herein means individuals, executors, trustees, partnerships, corporations, firms and associations of whatever form.
35. Planning and Zoning Commission: The Cedar County Planning and Zoning Commission.
36. Plat of Survey: Graphical representation of the subdivision of land including a complete and accurate description of the lot or parcel, prepared by a registered land surveyor.
37. Preliminary Plat: A study, including drawings, indicating the proposed manner of layout and construction of a subdivision and its proposed improvements, which is submitted to the Board of Supervisors, the Planning and Zoning Department, and other applicable county departments for approval.
38. Re-Subdivision: Any division of land which has previously been included in a plat of record, including auditor's plats and subdivisions. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
39. Right-Of-Way Line: The boundary of an easement which may or may not follow the property line. Typically located along the boundaries of roadways, parallel to the front property line.
40. Road (Roadway, Street, Highway): All land between right-of-way lines dedicated to the county or city or perpetually restricted to transportation and utilities. Includes public and private roadways, but excludes private driveways and parking.
41. Street: See Road Definition.
42. Subdivider: Any person, firm, corporation, partnership, association, or trust, who shall lay out, or cause to be laid out, for the purpose of transfer of ownership or building development, any subdivision or part thereof, as herein defined.
43. Subdivision: The repeated or simultaneous division of a lot, tract or parcel of land into three (3) or more lots or tracts, any of which are described by a metes and bounds description, for immediate or future sale, transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or the land subdivided.
44. Surveyor: A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa.
45. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.
46. Traffic Surface: The wearing or exposed surface of a roadway used by vehicular traffic. Traffic surface may include prepared shoulders, but the width is measured between the edge of the surfaced area intended for vehicular traffic.
47. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

CHAPTER 3

MAJOR SUBDIVISION PRELIMINARY PLATTING PROCEDURES

3.1 MAJOR SUBDIVISIONS

A. PRELIMINARY PLATTING PROCEDURE

1. The subdivider of any tract of land to be divided as a major subdivision shall cause a preliminary plat to be prepared containing the information specified herein and shall file fifteen (15) copies and a reproducible sepiac or tracing of the plat with the Zoning Administrator.
2. The Zoning Administrator shall immediately transmit seven (7) copies of the preliminary plat to the Zoning Commission and one (1) copy each to the County Engineer, County Health Administrator, and County Auditor for study and recommendation.
3. The Zoning Commission shall hold a public hearing on the preliminary plat following the plat filing deadline of the first Friday of each month and providing a maximum of twenty one (21) days for county review. At least seven (7) days notice of the time and place of such hearing shall be published in a newspaper having general circulation in the County. Upon holding the hearing, but prior to making a recommendation, the Commission shall consider the recommendations of the County Engineer, Board of Health and Zoning Administrator as well as the following:
 - a. The consistency of the proposed subdivision with the provisions of this and other County land use ordinances including the County Zoning and Flood Plain Management Ordinances and with the Cedar County Comprehensive Plan and amendments.
 - b. The suitability of the area for the proposed development, with special attention to topographic and apparent sub-surface conditions and to the availability of utility services.
 - c. The effect of the proposed subdivision on adjacent property values.
 - d. The accessibility from existing highways and possible burdens the proposed subdivision will place on transportation systems and other public improvements.
 - e. The use of sound planning and engineering practices in developing the plat and its features.
 - f. The effect on scenic vistas, historic sites, woodlands, streams and other features of the environment.
 - g. A balance of interests between the proprietor, future purchasers, and the public.
4. The Commission shall, within forty-five (45) days of the filing deadline for a plat, submit its recommendations to the Supervisors, whether of approval, modification or disapproval, stating its reasons therefore. The subdivider may, however, agree to an extension of time not to exceed sixty (60) additional days. A copy of the recommendations shall be forwarded to the subdivider.
5. The Supervisors, upon receipt of the Commission's recommendations, or after the forty-five (45) days for Commission action or any extension thereof shall have passed, shall have forty-five (45) days to consider and hold a public hearing, and by resolution approve, approve with conditions, or reject the preliminary plat. A resolution rejecting a plat must state specifically why the plat is being rejected, and the subdivider must be given thirty (30) days in which to present an amended plat. Preliminary plat approval by the Supervisors shall constitute a stated intention to approve the subdivision pending satisfactory completion of the final plat requirements.

B. PRELIMINARY PLAT REQUIREMENTS

Preliminary plats, as required for all major subdivisions, shall consist of at least the following:

1. A location map showing:
 - a. The location of the subdivision in relationship to existing roads, rivers, cities or other prominent features.
 - b. An outline of the area to be subdivided.
 - c. North point and graphic scale.
2. All preliminary zoning and/or subdivision plats completed in the electronic format shall be submitted on disk and forwarded to the County Engineer. The preferred format is AutoCAD Release 12. These electronic files shall be in AutoCAD *.DWG or *.DXF format. MicroStation Version 5.0 *.DGN format is also acceptable. If error of closure documentation is available, this shall also be submitted.
3. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. The preliminary plat shall show:
 - a. Legal description, total acreage (calculated to the nearest tenth of an acre) and proposed name of the subdivision.
 - b. Name and address of the owner.
 - c. Name of person who prepared the plat and date thereof.
 - d. North point and graphic scale.
 - e. Tract boundary lines showing dimensions, bearings and references to known lines or bench marks.
 - f. Names of adjacent property owners or subdivisions.
 - g. Location of existing lot lines, roads, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
 - h. Location, width, and other dimensions of proposed roads, entrances to public roads, utility easements, and any reserved areas.
 - i. Layout of proposed blocks (if used) and lots, including the dimensions of each, progressively numbered.
 - j. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
 - k. Drainage patterns on the site.
 - l. Location of proposed storm sewers, ditches, culverts, bridges and other structures.
 - m. Drainage volumes in cubic feet per second for each drainage way leaving the subdivision before and after full projected development.
 - n. Grades of proposed roads.

- o. Typical cross sections of proposed roads showing the roadway location, type and width of surfacing, type of drainage and other improvements to be installed.
 - p. Size, type, and location of proposed wells and/or water mains and sewage disposal method if a public or community system is used.
 - q. Estimate of total improvement cost with sufficient information to allow the County Engineer to assure the estimate is reasonable.
4. Attached written statements providing the following information:
- a. Methods and/or techniques proposed for controlling erosion along new or altered drainage course, roads or other areas subjected to erosion which will become a permanent part of the subdivision.
 - b. Temporary measures to be used to control erosion during any initial grading of the site and installation of improvements.
 - c. Erosion control standards which will apply to individual lot development through deed covenants.
 - d. For all utilities to be installed by the developer, the location and proposed size or capacity.
 - e. A statement from applicable utility companies that utility easements shown on the plat are adequate and that utility capacities in the area are adequate to serve anticipated development.
 - f. A Groundwater Hazard Statement.
 - g. A Cedar County Road Resolution Statement. (Available from the Cedar County Zoning Administrator.)
 - h. Fence Liability Statement.
 - 1) Any property in a proposed subdivision that is liable for fencing, shall not have that liability reduced by reason of subdivision. Full responsibility shall remain with the subdivider, heirs, assignees and grantees for the entire length of responsibility existing prior to subdivision. This provision shall apply whether or not an existing fence agreement or order is recorded with the Cedar County Recorder which covers any portion or perimeter of the lands proposed for subdividing and what that agreement may state.
 - 2) Should no fence agreement be recorded with the Cedar County Recorder for the entire perimeter of the area proposed for subdividing, the Preliminary Plat shall be accompanied by a fence agreement establishing fence liability for no less than the entire perimeter of the proposed subdivision as subject to the following:
 - a) The fence agreement shall be signed by the subdivider and all other persons who would be assigned a fence liability by reason of said agreement. However, should any length of fence currently covered by an existing fence agreement be recorded with the Cedar County Recorder, no signatures need to be obtained for such lengths of fence provided the recorded agreements are sufficiently noted in the new fence agreement.
 - b) In the event the signature of a person, or persons, other than the subdivider can not be obtained, for areas not currently covered by a recorded fence agreement, then the subdivider shall call in the fence viewers as provided in Chapter 359A, Code of Iowa, 1995, to order fence liability for no less than the entire perimeter of the area proposed for subdividing. However, said order shall reflect current fence agreements or orders currently recorded with the Cedar

County Recorder. The subdivider shall be liable for all costs involved with the fence viewers' order.

- c) An order from the fence viewers may be filed in lieu of a signed fence agreement, or in conjunction with a partially signed fence agreement, reflecting an agreement for a portion of the perimeter of the area proposed for subdividing.
- 3) The fence liability agreement may be waived by the Board of Supervisors in accordance with Chapter 9, Section 9.1, for unusual circumstances or when all adjoining property owners agree that no fence is required.

CHAPTER 4

MAJOR SUBDIVISION FINAL PLATTING PROCEDURES

4.1 MAJOR SUBDIVISIONS

A. FINAL PLATTING PROCEDURE

1. Except as noted below, a final plat shall be submitted within twelve (12) months of the approval of the preliminary plat or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. At the subdivider's discretion, final plats may be submitted concurrently with preliminary plats. However, in such case the deadlines for County action shall be the same as are provided for preliminary plats.
3. By special request at the preliminary plat stage, the Commission may allow final platting and development in distinct phases. In such cases final plats for subsequent phases shall be submitted within three (3) years of Supervisor action on the final plat for the previous phase or such subsequent phase approval shall expire. In such cases, the subdivider shall submit the next phase of the development to the Commission for a recommendation to the Board of Supervisors.
4. Procedures for final plats shall be the same as set out for preliminary plats in Section 3.1A, except that a public hearing may not be required, and final action by the Supervisors must be taken within sixty (60) days of the original filing of the plat.
5. The Supervisors shall determine whether the subdivision conforms to its land use ordinances and the Comprehensive Plan and amendments and shall give consideration to the questions listed in Section 3.1A,3(a-g).
6. The Supervisors shall not issue final approval of a subdivision plat unless the subdivision plat conforms to Sections 355.8, 354.6, 354.8 and 354.11 of the 1995, Code of Iowa.
7. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions of this Ordinance, and conforms to Chapter 354 and 355 of the 1995, Code of Iowa, the Supervisors shall by resolution approve the plat and certify the resolution which shall be recorded with the plat by the subdivider.

B. FINAL PLAT REQUIREMENTS

1. The final plat shall meet the following specifications:
 - a. It may include all or only part of the preliminary plat.
 - b. The plat shall be a permanent copy or photographic print on plastic film.
 - c. The plat shall be at a scale of one hundred (100) feet to one (1) inch and shall be on a sheet not larger than eighteen by twenty-four (18 x 24) inches nor less than eight and one-half by fourteen (8 1/2 x 14) inches. More than one (1) eighteen by twenty-four (18 x 24) inch sheet may be used when required. In all cases, one copy of the plat shall be provided on a sheet measuring eight and one-half by fourteen (8 1/2 x 14) inches. This copy shall be recorded in the Cedar County Recorder's Office with the approved Final Plat and all required attachments.
 - d. The plat shall be clearly marked "Final Plat" and shall provide the specific information required by Sections 354.6 and 355.8 of the 1995, Code of Iowa, to include but not be limited to the following:

- 1) Name of the subdivision, to be unique within the County, approved by the Cedar County Auditor.
 - 2) Name and address of the owner and subdivider.
 - 3) Scale, and a graphic bar scale, north arrow and date on each sheet.
 - 4) Legal description of the land being surveyed.
 - 5) Survey data sufficient to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, and the outer boundaries of the surveyed lands, referenced to two section corners within the United States public land survey system in which the plat lies or, if the plat is a subdivision of any portion of a recorded subdivision plat, two established monuments within the recorded subdivision plat.
 - 6) Location, type, material, and size of all monuments and markers.
 - 7) Street names as approved by the Emergency Management Coordinator.
 - 8) Progressive lot numbers, and block numbers if appropriate.
 - 9) Easements necessary for the orderly development of the land within the plat and clear statement of their purpose.
 - 10) Accurate locations of all existing and recorded roads intersecting or bordering the boundaries of the subdivision, and of all permitted entrances to public roads from the subdivision.
 - 11) Identification of adjoining properties, and if adjoining properties are part of a recorded subdivision, the name of that subdivision.
 - 12) Progressive lettering for and proposed use designation for all streets, parks, open areas, school property, other areas of public use, and areas within the plat set aside for future development.
 - 13) Accurate description of any property to be dedicated or reserved for public, semi-public or community use.
 - 14) For all plats lying in more than one quarter-quarter section, the acreage lying in each quarter-quarter section as required in Section 354.6 (3) of the 1995, Code of Iowa.
 - 15) Certification by a registered land surveyor that the plat conforms to Section 355.8 of the 1997, Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number and seal.
- e. The following documents shall also be a part of the final plat when submitted for final review.
- 1) A copy of complete plans, profiles, cross sections and specifications for all improvements, including an estimate of total improvement cost with information in sufficient detail to allow the County Engineer to assure that the submitted cost estimate is reasonable.
 - 2) All final zoning and/or subdivision plats completed in the electronic format shall be submitted on disk and forwarded to the County Engineer. The preferred format is AutoCAD Release 12. These electronic files shall be in AutoCAD *.DWG or *.DXF format. MicroStation Version 5.0 *.DGN format is also acceptable. If error of closure documentation is available, this shall also be submitted.

If the drawing is a different format and the surveyor can not translate to the above described formats, the drawing still shall be submitted on a disk and forwarded to the County Engineer. A letter explaining the program format and version utilized shall accompany the disk.

If any Global Positioning System (GPS) information was obtained for any corners (i.e. section, lot, block, right-of-way, etc.), we request that information and which coordinate system was utilized.

All of the above information submitted electronically will be checked for accuracy. When final approval is obtained, this information will be placed on the Cedar County Geographic Information System (GIS) map being developed by the Cedar County Engineer.

- 3) If improvements have been completed prior to final plat approval, a copy of the resolutions of the Board of Supervisors approving such plans and specifications and acknowledging satisfactory completion of such improvements.
- 4) Entrance permits for all proposed entrances to public roads and construction permits for all proposed grading in public right-of-way.
- 5) A copy of any restrictions that run with the land and become covenants in the deeds of lots, as may be desired by the developer or required elsewhere by this Ordinance.

C. FINAL PLAT ATTACHMENTS

Plats presented to the County Recorder for recording shall conform to Section 354.6 of the 1995, Code of Iowa, and shall not be accepted for recording unless accompanied by the following documents:

1. A certified statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desires. The statement of the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.
2. A certified statement from the mortgage holders or lien holders, if any, that the plat is prepared with their free consent and in accordance with their desires. An affidavit and bond as provided for in Section 354.12 of the 1995, Code of Iowa may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the Board of Supervisors or dedicated to the public.
3. An opinion from a licensed attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
4. A resolution by the Board of Supervisors and the certified resolution of the City Council of any city having the right to review the plat under Sections 354.8 and 354.9 of the 1995, Code of Iowa, either approving the plat or waiving its right to review.
5. Certification from the County Treasurer that the land is free from certified taxes other than certified special assessments. If the plat includes land set apart for streets, parks, open areas, school property, or public use other than utility easements, such certification shall also certify that the land is free of certified special assessments or that any certified special assessments are secured by bond in compliance with Section 354.12 of the 1995, Code of Iowa.
6. For any improvements required by this Ordinance, a copy of the resolution of the Board of Supervisors acknowledging satisfactory completion of the improvements, or certification from the County Auditor that a surety bond guaranteeing completion, as required elsewhere in this ordinance, has been approved

by the County Engineer and the County Attorney and filed with the Auditor.

7. A Groundwater Hazard Statement.

8. A Cedar County Road Resolution Statement. (Available from the Cedar County Zoning Administrator.)

9. A Fence Liability Statement. (See Chapter 3, Section 3.1B,4,h of this Ordinance.)

CHAPTER 5

MINOR SUBDIVISION PLATTING PROCEDURES

5.1 MINOR SUBDIVISIONS

- A. No preliminary plats are required for minor subdivisions.
- B. Final plats for minor subdivisions shall be filed with the Zoning Administrator with eight (8) copies provided.
- C. The Zoning Administrator shall distribute copies of the plat to the County Recorder, County Auditor, County Assessor and County Engineer for review and comment.
- D. When the plat has been reviewed by the Zoning Administrator and other county officials cited above, it shall be forwarded with written comment from each to the Zoning Administrator prior to being forwarded to the Supervisors.
- E. If the subdivision plat conforms to the requirements of this Ordinance and Chapter 354 and 355 of the 1995, Code of Iowa, the Supervisors shall approve it and certify the resolution which shall be recorded with the plat. Final action by the Supervisors shall be taken within sixty (60) days of the filing of the plat.

5.2 MINOR SUBDIVISION REQUIREMENTS

- A. Minor subdivision plats shall comply with the specifications required for all final plats in accordance with Chapter 4, Section 4.1B, of this Ordinance.

5.3 MINOR SUBDIVISION PLAT ATTACHMENTS

Plats presented to the County Recorder for recording shall conform to Section 354.6 of the 1995, Code of Iowa and shall not be accepted for recording unless accompanied by the following documents:

- A. A certified statement from the proprietor and the proprietor's spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and the proprietor's spouse.
- B. An opinion by a licensed attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
- C. A certified statement from the Treasurer of the County that the taxes on the property in the subdivision are paid in full.
- D. A certified statement from the mortgage holders or lien holders, if any, that the plat is prepared with their free consent and is in accordance with their desires.
- E. Certification by a registered land surveyor that the plat conforms to Section 355.8 of the 1997, Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number and seal.
- F. A Fence Liability Statement (See Chapter 3, Section 3.1B,4,h of this Ordinance).
- G. A resolution by the Board of Supervisors and the certified resolution of the City Council of any city

having the right to review the plat under Sections 354.8 and 354.9 of the 1997, Code of Iowa, either approving the plat or waiving its right to review.

H. Groundwater Hazard Statement

CHAPTER 6

REQUIRED IMPROVEMENTS

6.1 REQUIRED IMPROVEMENTS

The minimum improvements installed or for which bond is posted in any subdivision, before the plat can be finally approved, shall be based on the total number of lots in the proposed subdivision plus additional lots anticipated for the remaining unplatted tract of land. The following subsections shall apply:

A. SEWAGE COLLECTION AND TREATMENT

Where it is determined by the Cedar County Board of Health that on-lot sewage treatment would threaten the public health, one of the following shall be provided:

1. Public Collection and Treatment

Where sewage treatment by a municipality is reasonably accessible, as determined by the Cedar County Board of Health, a complete sanitary sewer system shall be provided and connected to the municipal sewer system. Such systems shall be approved by the municipality and designed and constructed in accordance with applicable municipal specifications.

2. Subdivision Collection and Treatment System

Where required, a sewage collection and treatment system shall be installed to serve the subdivision. Design standards for the approval of such systems shall be set by the Iowa Department of Natural Resources or, when such system is not of sufficient size to fall within state jurisdiction, the Cedar County Board of Health.

A performance bond as described in Chapter 6, Section 6.2, may be posted in lieu of sewer installation. A waiver may be granted if the developer can show hardship as described in Chapter 9, Section 9.1. Lots where septic systems are proposed shall provide adequate space for two (2) septic fields, the second field to act as a back up should the first field fail.

B. WATER

All major subdivisions shall provide water to each lot by one of the following methods:

1. Public Water Systems

Where water service by a public, municipal or rural water system is reasonably accessible, as determined by the Cedar County Board of Health, a complete water main supply system including hydrants, valves and other appurtenances which shall extend into and through the subdivision and which shall provide for a water connection to each lot, shall be installed and connected to the public water system.

2. Subdivision Water Systems

a. Three Lots Or Less (Not including resubdivision of previously subdivided parcels and tracts)

Where a public, municipal or rural water system is not available, and the subdivision consists of a total of not more than three lots, the subdivider may provide individual private on-lot water wells unless it is determined by the Cedar County Board of Health that on-lot water wells would threaten the public health.

- b. Four Lots Or More (Including resubdivision of previously subdivided tracts and all subsequent subdivision of tracts which are a natural extension of existing subdivisions)

Where a public, municipal or rural water system is not available, the subdivider shall install a subdivision water supply and distribution system, including all necessary mains, valves, hydrants, and other appurtenances, in accordance with the standards and requirements of the Iowa Department of Natural Resources or, when such system is not of sufficient size to fall within state jurisdiction, the Cedar County Board of Health.

When a subdivision water system is provided, restrictive covenants must be adopted, which include the following provisions:

- 1) The water supply shall be tested at least annually for coliform bacteria, nitrate and other contaminants as required by state law, at the owner's expense, by the owner or the subdivision homeowner's association with results supplied to all users and Cedar County within thirty (30) days.
- 2) The water supply shall meet prevailing public health standards for coliform bacteria, nitrate and other contaminants as required by state law.

C. STORM WATER MANAGEMENT

The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection, control and removal of all surface waters in accordance with design standards of Chapter 7, Section 7.1K, and shall have a favorable recommendation by the Cedar Cedar County Engineer.

D. STREETS

Subject to the variation and exception provisions of Chapter 9, Section 9.1, all streets within subdivisions shall be designed and built in accordance with design standards of Chapter 8, and shall have a favorable recommendation by the Cedar County Engineer.

E. PERIMETER FENCES

Any subdivision boundary adjoining an existing agricultural land use will be fenced with lawful fences, unless waived by the person conducting the current existing land use, to prevent livestock and horses from entering the other property. Fence agreements are required as provided in Chapter 3, Section 3.1,B,4h.

F. MONUMENTS

Permanent monuments shall be set in 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, in accordance with Chapter 354, Code of Iowa, 1995. 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 the County Engineer.

G. MAINTENANCE OF WATER AND SEWER

The subdivider will provide the water mains and lines in accordance with the provisions of this Chapter and Other State and County regulations.

1. No water mains or lines of the central water-tight system or sewer lines, except a stub end from said lines, shall be installed underneath the normal traveled portion of any street. The same to be located in an appropriate place as approved by the County Engineer.
2. No street shall be maintained by Cedar County unless and until a workable agreement has been entered

into between the Board of Supervisors and the subdivider which will appropriately set forth the responsibility for payment of all costs by the subdivider or persons acquiring land therein for the maintenance of water and sewer utilities installed in accordance with this Chapter; and further providing for payment to the County for any damage caused to roads or the right-of-way which may occur by reason of maintenance of water and sewer lines. All utility work necessary within the right-of-ways maintained by the County must receive a permit approved by the Board of Supervisors prior to undertaking the work. Emergency work may be permitted by the County Engineer.

H. TRAFFIC SIGNS

All internal traffic control signs shall be placed by the developer in accordance with the Iowa Manual of Uniform Traffic Control Devices as part of the road and street construction; i.e., regulatory, warning, etc.

I. ELECTRIC UTILITIES

The Board of Supervisors and Planning and Zoning Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said facility lines shall be installed in such a manner so as not to interfere with other underground utilities. The location of all utilities within the road and street R.O.W. shall be approved by the County Engineer and shown on the engineering plans. Underground utility lines which cross underneath the right-of-way of any street, or way shall be installed prior to the improvements of any such street, or way in 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. If overhead utility lines or wires are permitted, the electrical utility shall have the right to determine overhead line routing. In their determination on whether or not to require underground utilities, the Board of Supervisors and Planning and Zoning Commission may consider the recommendations of the utility company on such matters as soil, topography, or other conditions which make most installations within the subdivision unreasonable or impractical. The County will be provided with a set of as-built drawings at the completion of their installation with all final utility placements accurately represented.

J. MAINTENANCE AGREEMENT

The subdivider shall provide an acceptable trust agreement or covenant within the deed restriction for adequate continuous maintenance of the subdivision roads, street signs, entry structures (if applicable), parks, sanitary and storm sewers, water supply system, and common facilities by the lot owners of the subdivision.

K. IMPROVEMENT REVIEW

All plans, specifications, installation and construction required by this Chapter shall be subject to review, approval and inspection in accordance with Chapter 8 of this Ordinance by the County Engineer or his authorized representative.

1. 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.
2. 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. The subdivider shall pay the County Engineer's Office the standard rate for reviewing plans and specifications, inspecting and testing new roads and storm sewer systems, and any additional costs directly associated with installing the subdivision improvements.

L. IMPROVEMENT 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 other acceptable collateral; 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.

6.2 IMPROVEMENTS OR BOND 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 Chapter. In lieu of final completion of the minimum improvements required before the plat is finally approved, the subdivider shall post a completion obligation bond, a set-aside letter from the bank, or comparable financial commitment, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which will ensure to the County that the improvements will be completed by the subdivider. A detailed engineering estimate of cost for all improvements shall be prepared by the subdivider's engineer and shall bear the seal of a registered professional engineer. This will be used by the County Engineer for review and determination of the bond amount. The amount of the bond 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, the County may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of a municipality, the Planning and Zoning Commission and Board of Supervisors may waive the requirements of this section provided they are satisfied that the subdivision regulations of the municipality governing the area within which the subdivision is located or the terms of a Chapter 28E agreement, if applicable, are sufficient to ensure adequate conformance with these regulations.

CHAPTER 7

STANDARDS FOR DESIGN AND DEVELOPMENT

7.1 STANDARDS FOR DESIGN AND DEVELOPMENT

No Minor or Preliminary Subdivision Plat shall be approved by either the Planning and Zoning Commission or the Board of Supervisors unless it conforms to the Cedar County Comprehensive Plan, the Land Use Policies, and the Cedar County Zoning Ordinance. Such plats shall also conform to the following minimum standards and requirements:

A. LARGE LOT SUBDIVISION

Whenever the area is divided into lots of such size that there are indications that the lot will eventually be re-subdivided into small building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of small lots.

B. RELATION TO ADJOINING STREET SYSTEM

The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection with said streets in the new subdivision, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

The platting of half streets shall not be permitted.

C. STREETS - FOUR LOTS OR MORE

All new subdivision streets which will eventually serve four (4) or more lots will be constructed according to the standards and procedures as established by the Board of Supervisors. When the majority of the lots are sold to homeowners, the homeowners association may decide whether or not to dedicate the road and road right-of-way to the County. The roads will be constructed with an adequately compacted sub-soil base and proper drainage. The County Engineer will inspect and approve the sub-soil base and drainage before the base course is laid. The traffic surface will be built to the standards listed below and based on projected traffic counts for the subdivision as eventually completed. The paved portion shall be a minimum of either six (6) inch non-reinforced cement concrete or five (5) inch asphalt base and two (2) inch asphalt finish.

1. Local residential road standards (projected average daily traffic count under 250 vehicle trips) will depend upon the storm water drainage system. Underground: Right-of-way - sixty (60) feet, street width - thirty (30) feet wide back-to-back including four (4) inch roll curb and gutter. Open ditch: Right-of-way - sixty-six (66) feet minimum, street width twenty-two (22) feet wide with no curb; shoulders - four (4) feet wide. (See Chapter 8 for further details). Additional right-of-way width may be required if suitable road geometry can not be developed within a 66 feet width. Roadside geometry to be based on current Cedar County Secondary Road design standards.
2. Sub-collector road standards (projected average daily traffic count over 250 vehicle trips) will depend upon the storm water drainage systems. Underground: Right-of way - eighty (80) feet; street width – thirty-six (36) feet wide back-to-back including four (4) inch roll curb and gutter. Open ditch: Right-of-way eighty (80) feet; street width twenty-four (24) feet wide with no curb; shoulders - six (6) feet wide. (See Chapter 8, Section 8.10, Diagram 2 for further details). Additional right-of-way width may be required if suitable road geometry can not be developed within a 66 feet width. Roadside geometry to be

based on current Cedar County Secondary Road design standards.

D. STREETS - THREE LOTS OR LESS

All new subdivision streets which are not projected to serve more than three (3) lots shall be designed and constructed to provide year round access for motorized vehicles. The County Engineer must approve the plans for the road, cross section, shoulders, ditches and drainage before road construction begins. In no case shall the traffic surface consist of less than six (6) inch rolled coarse aggregate base with a two (2) inch fine aggregate surface with a two (2) inch asphalt surface course. The County Engineer may require a soil test of the sub-soil along the planned road bed. The right-of-way width for streets intended to be publicly maintained will be sixty-six (66) feet minimum. Privately maintained streets serving three or less lots shall have a fifty (50) feet minimum right-of-way. Four (4) foot shoulders will be constructed on either side of the traffic surface.

E. STREET DESIGN (SEE CHAPTER 8 FOR DETAILS)

1. The width of the traffic surface for major thoroughfares shall conform to the widths designated by the Board of Supervisors upon recommendation of the County Engineer.
2. The minimum right-of-way for local residential streets shall be fifty (50) feet, but may be wider due to estimated traffic and terrain (see Chapter 8 for specific R.O.W. requirements).
3. Dead-end streets shall not service more than fifteen (15) lots. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum radius of one hundred (100) feet or other equally suitable provision for vehicular turning space approved by the Cedar County Engineer. Dead-end streets shall not exceed five hundred (500) feet in length. When a street is to be terminated at the boundary of the subdivision temporarily, until adjacent land is to be subdivided, a temporary circular right-of-way or cul-de-sac shall be provided. The surfacing required for such a temporary circular right-of-way or cul-de-sac shall be established by the County Engineer.
4. It shall be the responsibility of the Board of Supervisors upon recommendation of the Planning and Zoning Commission to assign street names to new roads in Cedar County as follows:
 - a. The developer may propose street names or numbers to the Emergency Management Coordinator. The official street designation shall comply with the recommendation of the Emergency Management Coordinator and signing shall meet Secondary Road standards. The final plat shall show the assigned street name or number prior to recording. The residence or business address will not be assigned until a building permit is issued.
 - b. All new subdivisions shall be required to comply with the Rural Address System as adopted by Cedar County.
 - c. Subdivision property owners on private roads and streets are responsible for the purchase, installation, and maintenance of road identification markers at private subdivision road intersections within their subdivision. The specifications for the markers shall be in accordance with the National Manual of Uniform Traffic Control Devices and Cedar County Secondary Road Standards. Only those names/ numbers assigned in the Property Numbering Map(s) are allowed on private roadway intersections. Any other roadway designations are in violation of this Chapter and must be removed within a reasonable time period.
5. The intersection angle of road center lines shall be between eighty (80) and one hundred (100) degrees.
6. Road intersections with center line offsets of less than one hundred fifty (150) feet shall be prohibited.
7. Intersections of more than two (2) roads at a point shall be prohibited.

8. Streets and roadways will be built to specifications as approved by the Board of Supervisors herein. Roads to be dedicated to the county will meet the specifications and standards of the Board of Supervisors and the County Engineer. Private streets are permitted and must meet the standards as described herein.
9. Proper access shall be given to all lots from a dedicated or private street. The Policy and Regulations for Entrances to Primary Roads of the Iowa Department of Transportation are herewith adopted by reference and made a part of this Chapter until such time as it is replaced by a Cedar County Access policy. Violation of the aforesaid Policy and Regulations is a violation of this Ordinance and subject to the penalties as provided in Chapter 9, Section 9.7, with the same force and effect as if said Policy and Regulations were contained herein. Said Policy and Regulations are on file in the Office of the County Engineer.
10. Access from lots to county and state roads shall be made via subdivision roads whenever possible.
11. The subdivider's engineer shall certify that the sight distance at all proposed intersections, both internally and at the county road intersection, meet Chapter 8, Section 8.10, Diagram 7.

F. UTILITY EASEMENTS

Easements of not less than ten (10) feet in width shall be provided on all property lines or right-of-way lines, where necessary to form a continuous easement, at least twenty (20) feet in width, for poles, wires, conduits, storm and sanitary sewer pipe, gas, water, telephone, cable TV or other utilities.

G. BLOCKS

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

H. LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
2. All side lot lines shall be substantially at right angles or radial to street center lines unless the Planning and Zoning Commission shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.
3. The minimum dimensions for lots shall be in accordance with the bulk regulations of the Zoning Ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet and that the depth shall not exceed three (3) times the width, unless it is a flag lot.
4. Flag lots are permitted if the stem is at least forty (40) feet wide from the street to the buildable portion of the lot. The stem must be located where it is reasonable to construct a private drive from the street to the principal building. The buildable portion must meet the minimum area requirements for that particular zoning district.
5. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.
6. All lots at street intersections shall have a radius of not less than twenty-five (25) feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

I. BUILDING LINES

Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the Zoning Ordinance for the district within which the property is located.

J. SANITARY SEWERS

Subdivisions containing forty (40) or more lots shall provide for common sanitary sewage treatment using the administration 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 his successors subsequently files a Preliminary Plat or Final Plat which would increase the total number to forty (40) or more lots, the Planning and 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 performance bond as described in Chapter 6, Section 6.2, may be posted in lieu of sewer installation. A waiver may be granted if the developer can show hardship as described in Chapter 9, Section 9.1. Lots where septic systems are proposed shall provide adequate space for two (2) septic fields, the second field to act as a back up should the first field fails.

K. STORM WATER MANAGEMENT (SEE CHAPTER 8 FOR DETAILS)

All lots and internal streets shall be adequately drained. Storm and water runoff shall be controlled through enclosed storm sewers or overland drainage. Detention facilities sufficient to capture the runoff of a twenty-five (25) year storm shall be placed in the subdivision. The release rate of storm water out of the detention facility shall be restricted so as not to exceed the volume produced by a five (5) year storm. The velocity of the water leaving the subdivision shall be reduced so as not to cause erosion. Drainage easements may be required, but the land shall remain privately owned. A drainage easement is required where storm water from a subdivision crosses an adjacent property to reach a natural stream or public drainage facility. Enclosed storm sewers require County Engineer approval before construction of the subdivision begins.

L. WATER

All major subdivisions or resubdivision of previously subdivided parcels or tracts, and all subsequent subdivision of parcels or tracts which are a natural extension of existing parcels and tracts, shall provide for a water supply system in accordance with Chapter 6, Section 6.1B. Once the development is complete, the restrictive covenants will provide for the water supply system to be turned over to a homeowners' association or quasi-public organization. The association or organization would own, operate, and maintain the common water system.

M. CHARACTER OF DEVELOPMENT

The Board of Supervisors shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

N. EASEMENTS ALONG STREAMS

Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for protecting the channel so that it will properly carry the surface water. If the stream or water course drains an area in excess of ten (10) square miles, an application shall be made directly to the Iowa Department of Natural Resources. For drainage areas less than ten (10) square miles, any changes in the stream or water course as a result of the

subdivision shall be approved by the Board of Supervisors during the subdivision review process. The subdivider also shall provide and dedicate to the Board of Supervisors an easement along each side of the stream, such easement shall be for the purpose of widening, improving or protecting said streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than fifty (50) feet on either side of stream centerline.

O. EROSION AND SEDIMENT CONTROL

Practical combinations of the following general principles will provide effective erosion and sediment control when properly planned and supplied:

1. The topography and soil characteristics will determine the type of development so as to minimize the erosion potential.
2. Grading or alteration of land within the one hundred (100) year flood plain of watercourses will not be permitted unless sufficient topographic and hydrologic data are presented to indicate that improvements will be sufficiently protected from flooding and that the alteration will have no detrimental effect on the flow characteristics of the stream.
3. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm run-off in a safe manner, shall be scheduled for installation to the greatest extent possible before removing the vegetative cover from the area.
4. Wherever feasible, natural vegetation shall be retained and protected.
5. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
6. The smallest practical area of land shall be exposed at any one time during development.
7. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
8. Critical areas exposed during construction shall be protected with temporary vegetation and/or mulching.
9. 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.
10. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after construction.
11. Topsoil shall be stockpiled and protected by temporary vegetation or mulching and returned after grading and development is complete.
12. The permanent final vegetation and structures shall be installed as soon as practical in the development.
13. All measures undertaken to reduce erosion and control sediment shall be in conformance with the official technical standards and specifications of the Cedar County Soil Conservation District.

P. PROTECTION OF NATURAL VEGETATION COVER

Whenever a wooded site is to be developed, no more than fifteen percent (15%) of the naturally occurring canopy-tree cover shall be removed due to surface earth grading, roadway construction, building site clearance, or any other construction activity associated with subdivision site improvement. Whenever removal of more than fifteen percent (15%) of the naturally occurring vegetation cover is deemed necessary and unavoidable, a mitigation replanting measure shall be implemented. Such mitigation shall require re-establishment of one (1) native tree of a similar specie to those removed for

every three trees of three (3) inch caliper or greater removed or fatally damaged.

Environmentally sensitive and primitive areas should be avoided to the greatest extent possible. Such areas include slopes in excess of 25%, native forest growth, native prairie grass, and wetlands. If development is proposed for such an area, the subdivider shall present a protection plan to the Planning and Zoning Commission.

Q. OPEN SPACE REQUIREMENTS

In all residential subdivisions of fifteen (15) lots or more, there shall be a minimum area of ten thousand (10,000) square feet plus an additional two thousand (2,000) square feet for each lot over fifteen (15), dedicated or reserved as usable, common open space land. The land need not be contiguous, but no parcel dedicated or reserved for common open space shall be less than ten thousand (10,000) square feet in size. Common open space land shall be clearly designated on the subdivision plan as to character of use and development, be intended for the private use of the residents of the subdivision, and shall not include:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
2. Dedicated streets, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public rights-of-way, and other areas deemed unsuitable open space;
3. Vehicular drives, parking, loading, and storage areas.

Suitable provisions for maintenance and upkeep of open space shall be provided through homeowners association, deed covenants, or through other similar provisions as approved by the Board of Supervisors.

Large lot subdivisions, provided that at least ninety percent (90%) of all lots have lot areas of 1-1/2 acres or more shall be exempted from the open space requirements of this provision provided that adequate deed restrictions shall limit subsequent lot re-subdivisions. Exemptions may be provided if close to an existing public park or for personal hardships.

Additional guidelines for determining open space:

1. May include environmentally sensitive land such as stream beds, marshes, and steep slopes; however, a minimum of fifty percent (50%) of the land must be level ground that is contiguous and suitable for active recreation;
2. The length is not more than five (5) times the width;
3. Be easily accessible to all property owners within the subdivision;
4. May include land in a high power transmission line easement, but only a maximum of twenty percent (20%) of the open space requirement.

Bikeways may be included in the designated open space, but follow these construction standards:

1. Right-of-way at least twelve (12) feet wide; and,
2. A paved surface at least eight (8) feet wide, three (3) inches thick, on a well drained subsoil base.

As an incentive, the lands designated for a bikeway shall count double towards fulfilling the minimum open space requirement, provided that at least ten thousand (10,000) square feet of other open space has been set aside for active and passive use. The bikeway need not comply with the guidelines of Chapter 7, Section Q(3).

R. PERIMETER FENCES

Any subdivision boundary adjoining an existing agricultural land use will be fenced with lawful fences to prevent livestock and horses from entering the other property. Where no fence exists or where an existing fence is in need of repair, the cost will be assigned to the appropriate landowner. Future repair and maintenance will be done by the agricultural land owner with the cost prorated according to length of fence between the homeowners and the agricultural land owner. Fence agreements are required as provided in Chapter 3, Section 3.1,B,4,h.

S. PROTECTING INTEGRITY OF DRAINAGE TILE

The subdivider shall design and construct the subdivision to protect the integrity of existing draining tile. If an operating drainage tile is not discovered until construction has begun, work shall stop until a new layout for the drainage tile has been engineered which is acceptable to the affected agricultural land owner. Differences between the developer and agricultural land owner will be decided by the Board of Supervisors.

CHAPTER 8

CONSTRUCTION STANDARDS, SPECIFICATIONS, PLANS AND GENERAL CONSTRUCTION PROCEDURES

8.1 GENERAL PURPOSE

It is the intent of this Chapter to lay down and more clearly define the details, procedures and requirements for the plans, standards, specifications, inspections, and construction of subdivision plats covered in the main body of the County Subdivision Ordinance (Chapter 9 of the County Code).

8.2 ORDER OF PROCEDURE

The following steps, which will be explained in more detail in subsequent sections and which are also covered in the main body of the County Subdivision Ordinance, will be followed in considering any subdivision:

- A. Sketch plan - optional.
- B. Preliminary plat.
- C. Engineering plans and specifications.
- D. Final plans, specifications, covenants, dedication, and final plat.
- E. Site grading and construction - interim inspections.
- F. Final inspection and approval of construction.
- G. Two year maintenance - construction warranty bond.
- H. Final reinspection.

8.3 PRELIMINARY PLAT - PLAN (MAJOR SUBDIVISIONS/MAJOR PLAT)

The Preliminary Plat - Plan for a major subdivision or major plat shall contain the information required under Chapter 3 of the Cedar County Subdivision Ordinance and any other topographic features that may have an effect on the development and its design. Streets shall be arranged to provide for a continuous circuit for travel and provide for two access points whenever possible; the right is reserved to reject "dead-end" streets or roads. The preliminary plat shall be subject to all the requirements of Chapter 7 of the Cedar County Subdivision Ordinance and any other engineering criteria deemed appropriate and applicable.

The purpose of the preliminary plat is to provide for a review of the geometrics and general layout, safety of access points to county roads, the suitability and practicality of the proposed development, the compatibility with the surrounding area, the existence of any special topographical and/or soil problems, the need for any special design and plan requirements and other items affecting the development of the final plat.

A. MINIMUM RIGHT-OF-WAY WIDTHS

The following minimum widths of right-of-way will be required:

1. Internal drainage easements along lot lines is twenty (20) feet minimum.

2. Natural drains of ten (10) square miles or more drainage area is fifty (50) feet minimum.

3. Local residential streets:*

 Curb and gutter - sixty (60) feet

 Open ditch - sixty-six (66) feet

4. Sub-Collector Streets:*

 Curb and gutter - eighty (80) feet

 Open ditch - eighty (80) feet

5. Private streets serving three (3) lots or less:

 Open ditch - fifty (50) feet

6. Existing County roads:*

 Local area service roads - sixty-six (66) feet

 Farm to market roads - one hundred (100) feet

 Federal and Secondary roads - one hundred twenty (120) feet

Note: Platting along County roads on one side would require one half (1/2) of the above or one half (1/2) of the existing right-of-way width, which ever is greater.

*Note: Greater widths of right-of-way may be required when considered necessary for heavier or higher traffic counts or when topographic features require wider right-of-ways to meet geometric design requirements.

B. MINIMUM PAVEMENT THICKNESS

The following minimum pavement thickness will be required for public roads:

1. Portland Cement Concrete - 6".

2. Asphaltic Concrete - 5" asphalt base plus 2" surface cover for a 7" total thickness.

3. Macadam - 6" macadam base, 2" choke stone and 2" asphaltic concrete for a 10" total thickness.

4. A thicker pavement and base course will be required for commercial and industrial subdivisions.

5. If a residential subdivision road is rezoned to a commercial and/or industrial land use, the County Engineer shall have the developer rezoning the subdivision re-design and reconstruct the existing pavement to meet the heavier and increased traffic.

8.4 FINAL PLAT - ROAD PLANS

After approval of the preliminary plan, the final plans shall be prepared by the developer's (owner's) engineer. These final plans shall contain detailed engineering drawings and specifications on all the proposed improvements and contain all the items under Chapter 4 and 5 of the Cedar County Subdivision Ordinance. Additional information and engineering computations may be required to document and verify final design criteria. The plans and specifications shall be detailed enough to be used as construction plans for building the improvements within the subdivision. The final plans and specifications shall comply with the requirements and specifications given in this Chapter and in conformance with any additions or changes required by the

Board of Supervisors or the County Engineer.

The road and drainage plans shall be drawn on plan and profile sheets measuring twenty-two inches by thirty-four inches (22" x 34"). The scale shall not be less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically. The percent grades and length of vertical curves shall be shown as well as elevations every one hundred (100) feet for the finished surface grade. The storm drainage plans (surface and underground) shall be super-imposed on the road plans along with grades and elevations. The road and drainage plans shall also include the water and sanitary sewer locations and grades. The plans shall also include a typical cross section or cross sections to which the streets are to be built with all necessary widths, depths and types of material to be used in their construction. The County Engineer, in special cases, may require a complete soils survey by a competent soils engineer. If so required, a copy of the soil survey shall be attached to and made a part of the plans and specifications, including any and all recommendations by the soils engineer. The completed plans must bear the seal of the developer's engineer.

8.5 SPECIFICATIONS AND REQUIREMENTS

A. ROADS GENERAL

The roads shall be constructed in accordance with the Iowa Department of Transportation specifications and Standards for all the items not specifically covered in this Ordinance. The soil erosion control plans shall conform to the specifications of the Natural Resource Conservation District and the County Engineer's recommendations. The water systems and sanitary sewer systems shall be constructed in accordance with all Local, State and Federal requirements, standards and specifications that are applicable. All storm drainage plans shall conform to the requirements noted herein and in accordance with the Iowa Department of Natural Resources.

B. ROADS AND ROADWAY DRAINAGE

1. All trees, brush, shrubs and other undesirable vegetation shall be removed from the right-of-way of all streets.
2. All top soil shall be removed from the roadway before any fill material is placed.
3. Any deleterious materials in the sub-base shall be removed and replaced with suitable materials as directed by the County Engineer.
4. Grades shall be constructed in accordance with the typical cross section and thoroughly compacted before placing any base materials or surface materials. The Engineer may require standard density and soils test to be taken by the developer's engineer.
5. All street construction shall be centered on the right-of-way.
6. All streets and roads shall be constructed with adequate facilities for surface drainage.
7. The road surface drainage may be provided for by roadside ditches (when ditch section is utilized) or by underground storm sewers (when curb and gutter section is utilized).

A combination of roadside ditches and underground drainage may be required when the distance the water must travel down said roadside ditch exceeds one thousand (1,000) lineal feet. All surface drainage must outlet into an adequate natural stream or major water course or constructed tributaries thereto. In all cases the drainage outlet shall have adequate capacity to accept the additional surface run-off generated by the development. In some cases retention basins with controlled outlets may be required so as not to exceed the capacity of the stream. Adequate soil erosion control shall be provided for the roadside ditches and outlets. At such time as the state adopts stormwater permitting for Cedar County, developers will be required to meet all requirements of that permitting.

8. Culverts, storm sewers, catch basins, manholes and miscellaneous structures necessary for the storm run-off must be designed by the developer's engineer and approved by the County Engineer and other appropriate agencies. Outlets for roadside ditches through the subdivision shall be along lot lines and twenty (20) foot drainage easements shall be provided.
9. If the outlet for surface drainage is outside the boundaries of a subdivision, the developer shall also provide drainage easements and/or flowage agreements from the abutting property owners to said approved outlet.
10. Asphalt pavement and asphalt base:

Asphalt base of the thickness and width shown on the typical cross section shall be in accordance with Section 2303 Type B Asphalt Base of the I.D.O.T. "Standard Specification for Highway and Bridge Construction" (current edition). The job mix formula to be determined by a commercial asphalt testing company and approved by the County Engineer based on the aggregate to be used. Daily samples shall be taken by the subdivider's engineer and submitted to an approved asphalt testing lab for verification of compliance with specifications (owner's expense). The material shall be placed in two equal lifts that combined equal the compacted thickness shown on the typical cross section.

Asphalt surface of the thickness and width shown on the typical cross section shall be in accordance with Section 2303 - Type "B" asphalt cement concrete leveling and surface of the I.D.O.T. "Standard Specifications for Highway and Bridge Construction" (current edition). The job mix formula to be determined by a commercial asphalt testing company and approved by the County Engineer based on the aggregate to be used. Daily samples shall be taken by the subdivider's engineer and submitted to an approved asphalt testing lab for verification of compliance with specifications and job mix formula (at owner's expense). The material is to be placed in two (2) lifts: Leveling course one (1) inch thick utilizing three-fourths (3/4) inch maximum size aggregate mix and wearing course of one (1) inch thick utilizing one-half (1/2) inch maximum size aggregate mix.

11. Non-reinforced portland cement concrete shall be placed on the approved subgrade in accordance with Section 2301 "Portland Cement Concrete Pavement" of IDOT "Stand Specifications for Highway and Bridge Construction" (current edition). Mesh reinforcement will not normally be required and the provision of Section 2301 relative to this will not apply. The concrete mixture shall conform to Class C - Type 1. If an adequate approved base cannot be attained utilizing existing material an aggregate base will be required. Joint spacing and joint details will be in accordance with I.D.O.T. standard plans.
12. Minimum sight distance at intersections of County roads shall be as shown on the accompanying table as shown in Section 8.10, Diagram 7. Design speed to be designated by the County Engineer.
13. Vertical curves shall be used at all changes in grade and shall be a minimum length of one hundred (100) feet and provide a minimum stopping sight distance appropriate for design speed. Stopping sight distance to be determined using county standards for the appropriate road classification and traffic volume.
14. Maximum grades shall not be greater than seven percent (7%). (In some cases, topography may be such that this may be modified).
15. When curb and gutter is used, the concrete material shall conform to that in Item No. 11 above. It shall be thirty (30) inches wide and shall be constructed in accordance with the standard plan and cross section shown in Section 8.10, Diagram 4. Curb and gutter drainage inlets shall also be constructed in accordance with the details shown in Section 8.10. (Neeah type R3246-A or equal).
16. When sidewalks are called for on the plans, they shall be not less than four (4) inches thick except at the driveways where they shall be not less than six (6) inches thick. Minimum width of the walk

shall not be less than four (4) feet. Grades are to conform to that of the curb and pavement (approximately two (2) inches above top of curb).

17. Driveways in curb and gutter sections shall conform to the IDOT standard plans for driveway openings (concrete) with a width at the curb of twenty (20) feet tapered to a minimum width of ten (10) feet at the right-of-way line. Driveway thickness shall be in accordance with current County Engineer's policies and procedures. Driveway fore slope shall be a minimum of 10:1 for driveways without drainage structure and 6:1 where there is a drainage structure.
18. Driveways in ditch sections shall be constructed with granular surfaces with a minimum of twenty (20) feet radiuses and a minimum width at the right-of-way line of twenty (20) feet. Drive culverts shall be of the size required (minimum 15") and a minimum length of thirty-two (32) feet. Driveway thickness shall be in accordance with current County Engineer's policies and procedures. Driveway fore slope shall be a minimum of 10:1 for driveways without a drainage structure and 6:1 where there is a drainage structure.
19. Sight distances at all driveway entrances shall be appropriate for the design speed of the road as shown in Section 8.10, Diagram 7.
20. Top soil, seeding, mulching and fertilizing of all disturbed areas shall be completed in accordance with I.D.O.T. specifications to establish soil erosion control. The areas to be seeded shall be covered with a minimum of two (2) inches of top soil. Seeding mixtures to be shown on plans and approved by the County Engineer. In areas where erosion control may be difficult, erosion control measures in addition to the above will be constructed in accordance with an approved soil erosion control plan submitted by the developer and concurred with by the County Engineer. All such devices and measures constructed within the right-of-way shall be in accordance with I.D.O.T. standard plans and specifications.
21. "Local Residential Streets", serving four (4) or more lots and "Sub-Collector Streets" (Chapter 7, Section 7.1C) in the Cedar County Subdivision Ordinance shall be constructed in accordance with the standard cross sections shown in Diagrams 1 and 2 of Section 8.10.
22. Streets which are not projected to exceed three (3) lots (Chapter 7, Section 7.1D) shall be constructed with a six (6) inch rock base and a two (2) inch asphalt surface as shown in Diagram 3. The requirement for the asphalt surface may be deleted by the County Engineer.
23. Community water lines shall be in the location explained on the typical cross sections shown in Section 8.10 or as approved by the County Engineer.
24. Sanitary sewer lines shall be in the location explained on the typical cross sections shown in Section 8.10 or as approved by the County Engineer.
25. Normally other utility lines will be located on private easements outside of the road right-of-way, and if not, they shall be placed in a location approved by the County Engineer.
26. All roads and streets to have traffic control signs and street name signs in accordance with the Iowa Manual of Uniform Traffic Control Devices. The cost of manufacturing and installing the signs will be born by the subdivider.
27. All street crossings by utility service lines shall be backfilled and compacted to ninety-five percent (95%) of maximum density (sand backfill may be required). These should be placed prior to construction of the road on street base and surface courses and if possible, prior to grading the sub-base. All utility appurtenances such as transformers, pedestals and cabinets shall be placed outside the road right-of-way. Utility poles, if permitted, shall be located at or outside the right-of-way and shall have the required height clearances.

28. All street intersections shall have minimum paved radiuses of forty (40) feet. Commercial and industrial streets shall have fifty (50) feet radiuses.
29. Storm and sanitary manholes and sewer pipe shall conform to the I.D.O.T. or industry standards or as approved by the County Engineer.
30. All dead-end streets shall terminate in a circular cul-de-sac with a one hundred (100) foot radius right-of-way and an fifty (50) foot radius paved turn-around (See Section 8.10, Diagram 6).
If a street is to be extended at a later date, a temporary easement and a temporary turn-around will be required. The dimensions shall be the same as above except that a gravel or rock surface may be substituted for the eighty (80) foot paved diameter. In some cases an alternate type of turn-around may be used if approved by the County Engineer.
31. All entrances onto County roads will require a County permit from the County Engineer's office (both street and driveway approaches).
32. All roads and driveways shall be pitched away from the road at a descending grade extending at least to the road ditch lines so as to prevent water from running out onto the roadway except for curb and gutter sections. A relatively flat section of roadway should also be provided at the approach to all intersecting streets to provide for adequate sight distance and stopping. (Exceptions to this may be allowed due to extreme topographic features by the County Engineer). Excessive amounts of storm run-off will not be allowed to enter the roadside ditch from the development.

8.6 INSPECTION OF ROADWAY CONSTRUCTION

After the final plat plans and specifications are approved, all construction shall be done in accordance with said plans and specifications in accordance with the provisions of the Cedar County Subdivision Ordinance. The County Engineer will inspect all phases of the construction of the streets and storm sewers. Regularly scheduled inspections will be required at each of the following stages and approval from the County Engineer's office will be required before proceeding to the next stage of construction.

- A. Preliminary site inspections - upon receipt of preliminary plat.
- B. Plans and specifications site inspection - upon receipt of engineering plans and specifications.
- C. Site grading and installation of underground storm sewer, sanitary sewer, water mains and other utilities.
- D. Subgrade inspection - during construction of the grading and compacting of the subgrade to the required typical cross section and the grades shown on the engineering plans.
- E. Base inspection - during construction of asphalt or aggregate base placement and compaction.
- F. Asphalt surface or concrete surface inspection - during construction of placing asphalt or concrete surface (also shoulder gravel for ditch section).
- G. Final construction inspection - upon completion of all construction work including final soil erosion control, placement of signs and all other requirements associated with final plans.
- H. Reinspection after two (2) years after date noted in Item G above (two (2) year warranty on maintenance requirement).

It will be the responsibility of the owner, developer or the engineer to notify the County Engineer's office at least two (2) days in advance of the time desired for any inspections. The County Engineer will schedule the required inspection as expeditiously as possible. It is desirable that the developer and developer's engineer be present at these inspections to discuss problems and remedies.

8.7 APPROVAL OF FINAL PLAT CONSTRUCTION

After all construction has been completed, a certification from the developer and developer's engineer stating that all work has been completed in conformance with the final approved engineering plans and specifications as well as the requirements herein, will be required. This letter should also contain the request for the final inspection noted in Section 8.6G. The County Engineer will be provided with a set of as-built plans at the completion of construction. Said as-built plans shall include all utility locations, final driveway and drainage structure locations, subdrain, etc.

If the work is not complete and satisfactory, the developer or developer's engineer will be notified as to the deficiencies and a reinspection will be made upon being notified that all deficiencies have been corrected.

Core samples will be taken to verify base and surface thicknesses and quality by a commercial testing company.

When all plat procedures have been completed satisfactorily, the final plat will be recommended by the County Engineer for Board approval or construction bond release. Prior to the final construction approval and/or construction bond release, the subdivider/owner shall furnish the warranty (two (2) years) as required in Chapter 6, Section 6.1L of the Cedar County Subdivision Ordinance.

If the construction is being done under the bonding procedures noted in the Subdivision Ordinance, partial releases may be requested and allowed by the County Engineer as specific items or work are completed.

Record samples and cores may be required by the County Engineer and tested to ascertain that the materials and workmanship comply with the requirements noted herein.

8.8 ENGINEERING INSPECTION, TESTING AND ADMINISTRATIVE COST

The subdivider/owner shall reimburse the County Engineer's office (Secondary Road Department) for the cost expended for all inspection services, testing and related administrative expenses furnished and conducted by or on behalf of the County Secondary Road Department. Adequate records and documentation will be kept by the Secondary Roads Department to provide for an accounting of these costs.

8.9 ACCEPTANCE OF STREETS INTO COUNTY SYSTEM FOR MAINTENANCE

Upon completion of all previous requirements, all roads and streets designated in the plat as public roads and streets will be recommended by the County Engineer to the County Board of Supervisors for acceptance to the County Roads and Street System. Upon approval by the Board, the County Secondary Road Department will start maintaining these public roads and streets.

Any roads and streets not designated as public will not be maintained by the Secondary Road Department.

8.10 DIAGRAMS OF ROAD CROSS-SECTIONS AND LAYOUTS, AND STORMWATER MANAGEMENT SYSTEMS

DIAGRAM 1 - Local Residential Streets With Less Than Or Equal To 250 Vehicles Per Day
(Dead End Streets)

DIAGRAM 2 - Sub-Collector Streets With Greater Than 250 Vehicles Per Day

DIAGRAM 3 - Small Subdivisions (Less Than 3 Lots)
Private Roads

DIAGRAM 4 - Curb And Gutter Detail Cross Section

DIAGRAM 5 - Residential Driveway Standards

DIAGRAM 6 - Minimum Standards For Cul-De-Sacs

DIAGRAM 7 - Sight Distances Table

DIAGRAM 8 - Open Ditch Intake (Beehive) For Tile Drain

DIAGRAM 9 - Storm Sewer Manhole Intake

CHAPTER 9

GENERAL PROVISIONS

9.1 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 this Ordinance would result in substantial hardships or injustices, the Board of Supervisors 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 such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this Ordinance and granted with the view toward protecting the public interest and welfare. Any variance recommended by the Planning and Zoning Commission is required to be entered in writing in the minutes of the Planning and Zoning Commission and the reasoning on which the departure was justified shall be set forth.

9.2 LIMITATIONS

In no case shall any street standard variation or modification be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street or be in conflict with the Zoning Ordinance and Map.

9.3 APPROVAL REQUIRED

Such variances and waivers may be granted by the affirmative vote of three-fifths (3/5) of the members of the Board of Supervisors.

9.4 CONDITIONAL APPROVAL

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

9.5 AMENDMENTS

Any regulation or provision of this Ordinance may be changed and amended from time to time by the Board of Supervisors; provided however, that such changes and amendments shall not become effective until after study and report by the Planning and Zoning Commission and until after a public hearing has been held by the Board of Supervisors, a public notice of which shall have been given in the official newspapers in compliance with state law.

9.6 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 Zoning Administrator shall not issue zoning permits for any structure located in any subdivision which has not been approved in accordance with the provisions contained herein and recorded in the Cedar County Recorder's Office.

9.7 COUNTY INFRACTION

Whoever, being the owner or agent of the owner of any land located within the unincorporated area of Cedar County, who knowingly, 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 Board of Supervisors, shall be liable for the penalties outlined in the county infraction, Chapter 20 of the County Code.

9.8 FEES

A. Plat of Survey filing fee as established.

B. Minor Plats

Prior to Cedar County considering the Sketch Plan and Final Plat, the subdivider shall deposit with the Planning and Zoning Department, a fee as established by the Cedar County Board of Supervisors and payable to the Treasurer of Cedar County.

C. Major Plats

Prior to the Planning and Zoning Commission considering the Preliminary Plat and Final Plat, the subdivider shall deposit with the Planning and Zoning Department, a fee as established by the Cedar County Board of Supervisors and payable to the Treasurer of Cedar County.

9.9 CONFLICT AND SEVERABILITY

A. Where this Ordinance conflicts with another law or administrative rule of the State or Federal Government, the provision of the ordinance, law, or rule with the greater restrictive impact shall apply. The subdivider and property owner shall divide their real estate in compliance with the stricter standard that affects their property.

Where this Ordinance differs with private easements, covenants, or restrictive agreements, the more restrictive standard shall govern. If such private property restrictions impose lesser requirements on the subdivision or division of land, the provisions of this Ordinance or applicable State and/or Federal law, shall control.

B. The provisions of this Ordinance are separable. If a section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Ordinance.

9.10 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Subdivision Ordinance or inconsistent with the provisions of this Ordinance, and particularly the Subdivision Ordinance of Cedar County and amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

9.11 EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage and publication as required by law.

