

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES (2005),
CHAPTER 5-10, THE SUBDIVISION ORDINANCE.

BE IT ENACTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

- I. Repealer. Jefferson County Code of Ordinances (2005), Chapter 5-10 is hereby repealed.
- II. Amendment. Chapter 5-10 is hereby amended by substitution of the following, to state:

“Chapter 5-10. SUBDIVISIONS.

SECTION 1. Short Title and Purpose.

A. Short Title. This ordinance shall be known as the “Subdivision Ordinance” of Jefferson County, Iowa.

B. Purpose. The purpose of this ordinance is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that agricultural land and all other existing land uses will be protected, and so that growth occurs in an orderly manner, and to promote the public health, safety and general welfare of the citizens of Jefferson County, Iowa.

SECTION 2. Definitions. For the purpose of this ordinance, certain words herein shall be defined, and interpreted as, follows: Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is always mandatory, and the term “may” is permissive.

1. “Acquisition plat” means 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 power of eminent domain.
2. “Administrative officer” means the person assigned by the Board of Supervisors the duty to administer this ordinance and enforce its provisions.
3. “Agricultural operation” means the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock as defined by Iowa Code, including beef cattle, sheep, swine, ostriches, rheas, emus, bison, farm deer, horses, goats or any hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, vegetable; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation management program.

4. "Aliquot part" means 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.
5. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
6. "Auditor's Plat" means a subdivision plat required by either the County Auditor or the County Assessor prepared by a surveyor under the direction of the County Auditor.
7. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
8. "Board" means the Board of Supervisors of Jefferson County, Iowa.
9. "Conveyance" means the transfer of title to land, which may be evidenced by the filing of an instrument with the County Recorder, including any form of deed or contract.
10. "Corn Suitability Rating" (CSR) means a measure of a soil's ability to support raising corn has been used. CSR is a rating system that assigns an agricultural value to each soil type within the County. The values range from zero (0) to one hundred (100) points, with higher scores indicating higher agricultural value.
11. "County Engineer" means the professional engineer licensed in the State of Iowa designated as County Engineer by the Board of Supervisors.
12. "Cul-de-sac" means a street having one end connecting to another street and the other end terminated by a vehicular turn around.
13. "Division" means the dividing of a tract or parcel of land into two or more parcels by conveyance or for tax purposes, except the conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of the Ordinance.
14. "Easement" means an authorization by a property owner for another to use a designated part of his property for a specified purpose.
15. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Iowa Department of Natural Resources or the Federal Flood Insurance Administration.
16. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

17. "Government lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
18. "Improvements" mean changes to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers and drainage ways.
19. "Lot" means a tract of land represented and identified by a number or letter designation on an official plat.
20. "Metes and bounds" description means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
21. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of Chapter 354 and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
22. "Open space" means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.
23. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
24. "Parcel" means a part of a tract of land.
25. "Permanent real estate index number means" a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
26. "Plat" means a map, drawing, or chart on which a subdivider's plan for the subdivision of land is presented to the Board of Supervisors for approval, and is intended, in its final form, to be recorded.
27. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.
28. A "preliminary plat" means a subdivider's proposed map, drawn to scale and including the subdivision's proposed layout, which shall comply with the requirements in section 6(B) of this ordinance and is intended to be used as the starting point for the development of a final plat.
29. A "public sewer system" means any system designed for the collection, treatment, and disposal of wastes that is not a private on-site sewage treatment system.

30. “Resubdivision” means any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat or preparing a plat of previously subdivided land.
31. “Street” means public or private property, not an alley, intended for vehicular circulation. In appropriate context, the term “street” may refer to the right-of-way bounded by the property lines of such public or private property, or may refer to the paving installed within such right-of-way.
32. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.
33. “Subdivision” means the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.
34. “Subdivision plat” means the recorded graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
35. “Surveyor” means a licensed land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa.
36. “Tract” means an aliquot part of a section, a lot within an official plat, or government lot.
37. “Utilities” mean systems for the distribution or collection of water, gas, electricity, wastewater, storm water, wind, telephone, cable television, and internet.

SECTION 3. General Provisions.

A. Requirements for Plat of Survey. A plat of survey shall be made, showing information developed by the survey:

1. for land which has been divided using a metes & bounds description, or for correcting descriptions of surveyed lands;
2. for any minor subdivision done with approval of the Administrative Officer and the Board pursuant to Section 3(C) of this ordinance.

The grantor or the surveyor shall contact the Jefferson County Auditor, who, for the purpose of assessment and taxation, shall review the division to determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. The plat of survey shall be prepared in compliance with 355.7 of the Code of Iowa and shall be recorded.

B. Subdivision Plat Requirements. Any tract of land which has been subdivided or shall hereafter be subdivided by the owner, or any subsequent owner, into three (3) or more parts, any

part of which is less than a quarter (1/4) of a quarter (1/4) of a section, for the purpose of laying out an addition, subdivision, or building lot shall be made in the form and containing the information as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record. For the purpose of determining three (3) or more parts, Jefferson County began counting recorded splits on December 14, 2004. Any other splits made before that date may still be covered by Iowa Code.

The administrative officer shall determine whether a property split triggers the provisions of the Subdivision Ordinance. If the split does not trigger this ordinance, the administrative officer shall so state in writing and that written determination shall be recorded with the deed or instrument transferring the property.

This subsection does not apply to splits made for the following purposes:

1. Mortgaging or financing of the property;
2. Adding land to abutting property or properties. Neighbors acquiring a parcel of land in this situation may use that land for any purpose. However, the parcel may not be sold to or developed by a third party without reconsideration of the applicability of this ordinance by the administrative officer.

C. Minor Subdivision Requirements.

1. A minor subdivision occurs where no more than four (4) lots are created in the manner described in Section 3(B) of this ordinance. All lots must be a minimum of 1 acre in size. All lots shall front on and have direct access from an existing public street. There shall be no construction of public improvements, including but not limited to public or private streets.
2. A minor subdivision does not require a preliminary plat.
3. A minor subdivision does not require compliance with Sections 4-7 of this ordinance except for Section 5(A-D).
4. A minor subdivision is not final until a plat of survey prepared according to Section 3(A) and complying with Iowa Code Section 355.7 is filed with the Jefferson County Recorder. Said plat of survey must have attached a copy of the resolution from the Board approving the minor subdivision and a letter from the County Engineer approving all drive entrances.

D. Recording of Plat. No subdivision plat, resubdivision plat, or street dedication within Jefferson County, Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the Jefferson County Board of Supervisors, it shall be the duty of the subdivider to immediately record such plat with the County Recorder, and an exact copy of the plat shall be filed in the offices of the County Auditor and County Assessor. Approval of the final plat by the Board of Supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the County Recorder within one hundred twenty (120) days after date of approval, unless, within that time, an extension based upon unusual circumstances is granted by the Board of Supervisors.

E. Fees Established. The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats and minor subdivisions. No plat for any subdivision, resubdivision, or minor subdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee as established by resolution of the Board of Supervisors and as required by this ordinance.

F. Exception. Parcels created by the governments of the United States of America, the State of Iowa, or any political subdivisions thereof, shall be exempt from the requirements of this article.

G. Building Prohibited. No building shall commence on any lot, nor shall any structure be moved onto any lot, parcel or tract, where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance and until the improvements required by this ordinance have been installed.

H. Appeal of Disapproval or Denial of Board of Supervisors. Any appeal of the Board of supervisors' decision shall be made to the district court in accordance with Iowa Code Section 354.10 and shall be perfected within twenty (20) days as prescribed by that Section.

SECTION 4. Improvements.

A. Improvements Required. The subdivider shall, at their own expense, install, construct and maintain any improvements required by this ordinance. In no case shall Jefferson County own, operate or maintain the improvements required in this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved final plat.

Exception: Public secondary roads which are currently a part of the Jefferson County Secondary Road System, after being improved by and at the developer's expense as required by this ordinance, shall be maintained by Jefferson County.

B. Inspection.

1. All improvements shall be inspected to ensure compliance with the requirements of the final plat. The cost of such inspection shall be borne by the subdivider.
2. Failure to satisfactorily complete all improvements shall be considered a violation of this ordinance. A new violation occurs each day all the improvements remain incomplete beyond the agreed upon deadline.

C. Minimum Improvements. Non-agricultural or residential subdivision, or any subdivision which will include any new road, or alteration of natural drainage ways, or the installation of sewage collection or water facilities, shall adhere to the following minimum standards. The improvements set for the below shall be considered the minimum improvements necessary to protect the public health, safety and welfare:

1. Streets: The subdivider of land being subdivided shall be responsible for construction of all streets. All streets shall be constructed so as to meet the standards of Jefferson County as set

