

**CHAPTER 2 - SUBDIVISION AND PLATTING ORDINANCE  
OF DUBUQUE COUNTY, IOWA**

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Amended May 10, 1999  
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REGULATING THE SUBDIVISION OF LAND, PRESCRIBING STANDARDS FOR PLATTING, FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFORE, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE.

**PART 1  
GENERAL PROVISIONS**

- 2-1 PURPOSE. The purpose of this ordinance is to provide minimum standards for platting, new subdivisions, and resubdivisions of land and surveys which create new lots, so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of Dubuque County, Iowa.
  
- 2-2 DEFINITIONS.

  - 2-2.1 **"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. [Amended October 20, 2014]
  - 2-2.2 **"Alley"** A platted, dedicated, and recorded passageway not over 20 feet in width, between rear or side property lines of lots, designed to serve as a secondary access to those lots.
  - 2-2.3 **"Block"** An area of land within a subdivision that is entirely bounded by streets, railroad right-of-way, rivers, tracts of public land or the boundary of the subdivision or a combination thereof.
  - 2-2.4 **"Board"** The Board of Supervisors of Dubuque County, Iowa.
  - 2-2.5 **"Building Set-Back Line"** A line established by a zoning ordinance or as a restrictive covenant beyond which no building may be placed or as approved by the Board of Adjustment.
  - 2-2.6 **"Commission"** The Dubuque County Planning and Zoning Commission.
  - 2-2.7 **"Comprehensive Plan"** The general plan or series of plan for development of Dubuque County, which has been adopted by the Board of Supervisors in accordance with the Dubuque County Zoning Ordinance and Dubuque County Flood Plain Management Ordinance. Such comprehensive plan shall include any part of such plan separately adopted in any amendment to such plan or parts thereof.
  - 2-2.8 **"County Engineer"** The professional engineer registered in the State of Iowa designated as County Engineer by the Board of Supervisors of Dubuque County, Iowa.

- 2-2.9 **"County Health Officer"** An officer officially appointed by the Board of Health.
- 2-2.10 **"Cul-de'Sac"** A street terminated by a vehicular turn around and having only one outlet.
- 2-2.11 **"Dedication"** A grant to Dubuque County or other municipality of title in fee simple to land or other real property and improvements.
- 2-2.12 **"Easement"** Authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his property.
- 2-2.13 **"Final Plat"** The map or drawing and its required certifications, on which the subdivision plan is presented in a form which is to be filed and recorded by the County Recorder.
- 2-2.14 **"Flood Plain Management Ordinance"** Ordinance as adopted by the Board setting forth requirements for development of flood prone property.
- 2-2.15 **"General Development Plan"** A plan adopted by the Board of Supervisors for the purpose of promoting the unified growth and development of Dubuque County, and including plans for the use and development of lands and the efficient and economical provision of necessary facilities, including roads, sewer and water services, recreation facilities, and others.
- 2-2.16 **"Improvements"** Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, watermains, sewers, drainageways, and other public works and appurtenances.
- 2-2.17 **"Improvements, Private"** Any improvements that are wholly owned and maintained by individuals, partnerships, corporations, or private trust.
- 2-2.18 **"Improvements, Public"** Any improvements that are dedicated to, owned, or maintained by a public unit of government.
- 2-2.19 **"Improvement Plans"** Maps, engineering drawings, specifications, plans, and such other information as may be necessary to define and describe the location, design, capacity, materials, and other characteristics of a proposed subdivision improvement.
- 2-2.20 **"Legal Description"** A description defining land boundaries legally sufficient for the purpose of sale and conveyance, tax assessment and collection, and recording. Descriptions of lots, blocks or other parts of subdivisions shall be approved by the County Recorder and County Auditor.
- 2-2.21 **"Lot"** A distinct area of land with established, recorded boundaries and legal descriptions, which may be sold, conveyed, or transferred based on such legal description. [Amended October 20, 2014]
- 2-2.22 **"Owner"** The person or persons having legal and quitable title to the land to be subdivided.
- 2-2.23 **"Parcel"** A lot or tract of land.
- 2-2.24 **"Plat"** A map, drawing, or chart, prepared by a registered land surveyor, on which a subdivider's plan for the subdivision of land is presented, and which the owner submits for approval and intends, in final form, to record.
- 2-2.25 **"Plat of Survey"** 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 registered land surveyor.
- 2-2.26 **"Plats Officer"** The individual assigned by the Board to administer this ordinance.
- 2-2.27 **"Preliminary Plat"** A study, including drawings, maps and/or charts indicating the proposed manner of layout and construction of a subdivision and its proposed improvements, which is submitted for consideration to the Board of Supervisors and others.
- 2-2.28 **"Resubdivision"** Any subdivision of land which has previously been included in a recorded subdivision plat.
- 2-2.29 **"Right-of-Way"** Land which is provided as a means of access to abutting properties from a public thoroughfare.
- 2-2.30 **"Street"** A right-of-way which provides a primary means of access to abutting property.
- 2-2.31 **"Subdivision"** The division of a lot, block, tract, or parcel of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to the land subdivided.
- 2-2.32 **"Surveyor"** A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 355 of the Code of Iowa.
- 2-2.33 **"Tract"** An aliquot part of a section or an undivided government lot. [Amended October, 20, 2014]
- 2-3 through 2-10 Reserved.

## PART 2 GENERAL RULES

- 2-11 GENERAL RULES
- 2-11.1 For the purpose of these regulations, certain terms or words used herein shall be interpreted according to the rules and definitions herein prescribed, except when the context clearly indicates otherwise.
- 2-11.2 The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- 2-11.3 The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- 2-11.4 The words "shall" and "will" are mandatory; the word "may" is permissive or discretionary.
- 2-11.5 The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

- 2-12 APPLICATION
- 2-12.1 The owner of any parcel of land, which has been subdivided or shall hereafter be subdivided, surveyed or platted into two (2) or more parts, for any purpose, shall cause a plat of survey of such area to be made in the form, and containing the information, as hereinafter set forth, before sale or conveyance of any lot, before commencing construction on any lot therein and/or before recording the plat. [Amended April 24, 1995, October 20, 2014]
- 2-12.2 No tract or parcel of land shall be divided into three (3) or more parts, whether the result of a single division or series of divisions, unless such plat of survey follows the minor or major subdivision procedures and requirements as prescribed by this ordinance. For purposes of this section, a tract or parcel shall be considered to have been subdivided if there has been any previous division of the original aliquot part in which the tract or parcel is located in whole or in part. [Amended April 24, 1995, October 20, 2014]
- 2-13 SUBDIVISION OF LAND WITHIN JURISDICTIONAL LIMITS OF CITIES AND TOWNS. All plats, replats, surveys which create new lots and subdivision of land lying within a city's area of review, as described in the city's ordinance adopted under Chapter 354 of the Code of Iowa, shall be reviewed, approved and recorded as herein prescribed, under authority of Chapters 354 and 355 of the Code of Iowa 1993 and subsequent revisions. [Amended April 24, 1995.]
- 2-14 RECORDING OF PLAT.
- 2-14.1 No subdivision plat, resubdivision plat, or plat of survey which creates new lots, or street dedication within Dubuque 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, plat of survey or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.
- 2-14.2 Upon approval of the final plat by the Board, the subdivider shall file such plat with the County Auditor and County Recorder, as required by law. Such approval may be revoked after thirty (30) days, unless such plat has been duly recorded, and evidence thereof filed with the Board within such thirty (30) days. No deeds which create new lots or subdivide existing lots shall be recorded.
- 2-15 ZONING CERTIFICATE. No Zoning Certificate shall be issued for construction on any lot, parcel, or tract, where a subdivision plat 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 or conditions to plat approval have been installed.
- 2-16 VIOLATION AND PENALTY.
- 2-16.1 If any land is used or divided in violation of this ordinance or in violation of any condition established as part of final plat approval, or if any construction or

development is commenced, continued or completed in violation of this ordinance or in violation of any condition established as part of final plat approval, the Board of Supervisors, in addition to any other remedies, may institute any appropriate action to prevent, restrain, correct or abate such violation. [Amended April 24, 1995.]

- 2-16.2 County Infraction. Any person or corporation who violates or refuses to comply with or resists the enforcement of any provision of this ordinance or any properly established condition of final plat approval shall be guilty of a county infraction, punishable by a civil penalty of not more than five hundred dollars for each violation or, if the infraction is a repeat offense, a civil penalty of not more than seven hundred fifty dollars for each repeat offense. In addition, the defendant shall be subject to the other remedies provided in Iowa Code Section 331.307. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate infraction. [Amended June 8, 2001]

2-17 through 2-20 Reserved.

### **PART 3 ADMINISTRATION**

- 2-21 ADMINISTRATIVE OFFICER. As prescribed by the terms of this ordinance, there shall be a Plats Officer for subdivisions, who shall be the Dubuque County Zoning Administrator unless otherwise designated by the Board of Supervisors.
- 2-22 CONFORMANCE TO DUBUQUE COUNTY ZONING ORDINANCE. The Board of Supervisors shall not approve a plat which creates any lot having an area or width less than the area or width required for the zoning district which applies to the location of the final plat. The developer shall have the responsibility to subdivide only lots that do not establish lots that have topographic, dimensional or accessibility characteristics that would restrict the economical development of uses or structures common to the zoning district which applies to the area of the plat. The Board of Supervisors may reject any plat which in their opinion, violates this provision.
- 2-23 CONFORMANCE TO ORDINANCE AND REGULATIONS OF THE BOARD OF HEALTH. Unless a variance is allowed under Section 2-71 of this Ordinance, the Board of Supervisors shall not approve any plat for subdivision which are proposed to include improvements of facilities that are contrary to regulations adopted by the Dubuque County Board of Health. Percolation tests and other such information as required by the Board of Health, shall be provided prior to Board of Health granting preliminary plat approval. Such plat shall be reviewed and approved by the Dubuque County Board of Health prior to submittal to the Board



of Supervisors. The Board of Supervisors shall not approve a final plat for lots to be served by individual sewage disposal systems which include any lot having an area less than the minimum area required by such applicable regulations and ordinances as shall have been adopted by the Dubuque County Board of Health.

- 2-24 **PLAT APPROVAL EXPIRATION.** The approval of a final plat by the Board of Supervisors pursuant to this ordinance shall expire if there has not been substantial progress toward the completion of improvements or buildings within one year. The board may extend the approval upon the written request of the owner, submitted not less than 60 days prior to the anniversary of the original approval, if the Board determines that the extension is reasonable and that the intent and purpose of this ordinance will not be defeated. [Amended April 24, 1995.]

2-25 through 2-30 Reserved.

#### **PART 4 SUBMISSION REQUIREMENTS FOR PLATS**

- 2-31 **CLASSIFICATIONS OF SUBDIVISIONS**
- 2-31.1 **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. [Amended October 20, 2014]
- 2-31.2 **Simple Division.** A simple division is a plat of survey that meets the requirements below in paragraph a, b, or c. Any further division or subdivision of property will require a minor or major subdivision plat. A minor and/or major subdivision plat will not be allowed in the C-1, Conservancy or A-1, Agricultural districts without the lots first being rezoned to a conforming zoning district or a Special Permit Use being approved by the Board of Adjustment or a Farm Exemption approved as per Section 1-6 of the Zoning Ordinance of Dubuque County, Iowa.
- a. A simple division is any plat of survey in which no new streets, or other rights of way, public or private, are proposed, which does not require the construction of any public improvements, and which contains no more than a total of two (2) lots in the aliquot part in which the tract or parcel is located in whole or in part.
  - b. A simple division also includes a plat of survey in which no new streets, or other rights of way, public or private, are proposed, which does not require the construction of any public improvements and which two (2) or more lots are combined into no more than one (1) lot.
  - c. A simple division also includes a plat of survey, which is entirely contained within an A-1 Agricultural district under the Zoning Ordinance of Dubuque County, Iowa

- and which is divided into two (2) or more parcels, none of which is less than thirty-five (35) acres in size. [Amended April 24, 1995, October 20, 2014]
- 2-31.3 Minor Subdivision. Any subdivision in which no new streets, or other rights-of-way, public or private, are proposed and which does not require the construction of any public improvements and which does not qualify as a simple division, shall be classified as a minor subdivision. [Amended October 20, 2014]
- 2-31.4 Major Subdivision. Any subdivision in which new streets or other rights-of-way, public or private, are proposed, and/or which requires the construction of any public improvements, and which contains two (2) or more lots, shall be classified as a major subdivision. [Amended October 20, 2014]
- 2-32 FEES. [Amended June 8, 2001]
- 2-32.1 Fees may be required to be paid with the submission of a plat of a subdivision. The amount of each fee shall be established by a resolution of the Board of Supervisors in an official schedule of fees for zoning and development services. All fees shall be collected by the Plats Officer at the time the plat is submitted.
- 2-32.2 Fees for Lot Identifier Signs, Street Identification Signs within subdivisions and at intersections and Traffic Control Signs at intersections with county roads shall be established by a resolution of the Board of Supervisors in an official schedule of fees for zoning and development services.
- 2-33 PRE-APPLICATION CONFERENCE. Except in the case of an acquisition plat as defined in Section 2-31.1 and a simple division plat as defined in Section 2-31.2 whenever a subdivision plat located in the County is proposed, the owner or subdivider shall schedule a pre-application conference with the Plat Officer. The conference should be attended by the Plat Officer, Health Officer, County Engineer, and such other County or Utility representative as is deemed desirable. If any portion of the land to be subdivided lies within the city's area of review as described in the City's Ordinance adopted under Chapter 354 of the Code of Iowa, the Plat Officer shall notify the City Representatives to attend the pre-application conference. The purpose of such conference shall be to acquaint affected parties with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and special problems relating to the proposed subdivision. [Amended April 24, 1995.]
- 2-34 SKETCH PLAN REQUIRED. At the pre-application conference, the subdivider shall provide a map or sketch listing the legal description of the property, the general location of the subdivision, the general location of any proposed streets and other improvements, the general layout of intended land uses in relation to the surrounding area, names of owners of adjacent property; arrows or other indication on the map to show the slope of the land and the major drainage areas and water courses; and the approximate locations of existing buildings, streams, utilities, rock formations, trees and other features.

- 2-35 PRESENTATION TO PLANNING COMMISSION. The Subdivider may present the sketch plan to the Planning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.
- 2-36 REQUIREMENTS OF THE PRELIMINARY PLAT.
- 2-36.1 The subdivider shall prepare and file with the Plats Officer, copies as necessary of the preliminary plat for major subdivisions, drawn at a scale which shall not be smaller than one inch equals two hundred feet (1" = 200'). Sheet size shall not be smaller than eight and one half inches by eleven inches (8-1/2"x11") in size and of a size acceptable to the County Recorder. Where more than one (1) sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.
- 2-36.2 The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:
- a Title, scale, north arrow and date on each sheet.
  - b If applicable, proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
  - c The name and address of the owner and name and address of the surveyor preparing the plat.
  - d A key map showing the general location of the proposed subdivision in relation to surrounding streets and developments.
  - e The names and locations of adjacent subdivisions and the names and addresses of all owners of record for adjoining parcels of unplatted land.
  - f The location of property lines, streets and alleys, easements, buildings, utilities, water courses, tree masses, and other existing features affecting the plan, including flood plains and floodways as defined and approved by the Federal Emergency Management Agency (FEMA) and by the Dubuque Flood Plain Management Ordinance.
  - g Existing and proposed zoning of the proposed subdivision and adjoining property as well as the proposed use of the property.
  - h The perimeter of the property to be subdivided must be shown with all needed dimensions. No separate lots shall set aside existing or proposed streets, or other rights-of-way, utility locations, waste areas or drainageways.
  - i Contours at the 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 (10) percent or greater.
  - j The legal description of the area being platted which has been approved by the County Auditor and County Recorder. No plat shall be accepted which contains any parcel or fractional part which has not been surveyed and numbered by the surveyor, except for the first division of a 40 acre aliquot part into no more than two lots. [Amended April 24, 1995.]
  - k The boundary of the area being platted, shown as a contrasting colored line with the length of boundary lines and the location of the property in reference to

- known section lines.
- l The layout, including all lot numbers and/or block designations, dimensions and area of all proposed lots, created by the subdivision. Any deviation from numbers shall receive prior approval of the County Recorder and County Auditor.
- m The location, width, dimensions, typical cross section and approximate grades of all streets.
- n The proposed names for all streets in the area being platted. These names shall not duplicate or resemble any existing name in Dubuque County.
- o Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas distribution lines, electric utilities, telephone lines, TV cable lines and other facilities.
- p Proposed easements showing locations, widths, purposes and limitations.
- q Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic or community purposes, or shown for such purposes in the Comprehensive Plan or other adopted plans.
- r A general summary description of any protective covenants or private restrictions to be incorporated in the final plat shall be attached.
- s All percolation test information and approximate location.
- t A remnant of land shall not be created by the subdivider unless the land is of sufficient size and shape as to be in conformance with the requirements of the zoning district in which it is located.
- u Any other pertinent information, as necessary.
- v The fee, as required by this ordinance.
- w Streets shall not be designated as separate lots. All streets, whether intended to be private or dedicated to the public, shall be part of adjoining lots, with the centerline of the street serving as the boundary of lots adjoining opposite sides of the street. [Amended April 24, 1995.]
- 2-37 PRELIMINARY PLAT SUBMISSION.
- 2-37.1 The subdivider shall prepare a preliminary plat and shall make application for preliminary plat approval within one (1) year after the planning conference, should the subdivider decide to proceed. Application for preliminary plat approval shall commence by filing with the Administrative Officer a subdivision plat as prescribed in Section 2.36. The Administrative Officer shall retain one (1) copy and shall promptly transmit other copies of said plat as follows:
- a One (1) copy to the County Engineer;
- b One (1) copy to the County Health Officer;
- c One (1) copy each to any other official having an interest in the acquisition of land for public use or in the provision of services or utilities to the proposed subdivision;
- d In the case of subdivisions lying in whole or in part within a City's area of review as described in the City's Ordinance adopted under Chapter 354 of the Code of Iowa, one (1) copy must be sent by the subdivider to the Chairperson of the City

Planning and Zoning Commission or other delegated city official. [Amended April 24, 1995.]

- e It shall be the responsibility of the subdivider to furnish sufficient copies of all maps, plans, and other documentation required by this regulation.
- f A simple division or minor subdivision without improvements may be submitted without a preliminary plat. However, the Zoning Commission may, in special circumstances where the Commission feels that the final plat does not convey enough information to adequately review the subdivision, move to require additional information or a complete preliminary plat.

2-38 through 2-40 Reserved.

## **PART 5 IMPROVEMENTS**

- 2-41 IMPROVEMENT PLANS.
  - 2-41.1 Plans Required. Plans and specifications for subdivision improvements which are proposed to be dedicated to Dubuque county or are otherwise subject to requirements in design and installation by the provisions of these regulations shall be prepared and certified by a licensed professional engineer in accordance with the requirements herein prescribed.
  - 2-41.2 Road Plans. Road and street design plans including centerline profiles, shall be prepared on standard size twenty-two inch by thirty-six (22" x 36") F.A.S. sheets, to a scale no smaller than one inch to one hundred feet (1" = 100') horizontal and one inch to ten feet (1" = 10') vertical profile. All essential features, including drainage, survey reference monuments and bench marks, block or survey corners and reference ties, and proposed type of road surface construction shall be shown.
  - 2-41.3 Drainage Improvements. Drainage improvements, including proposed storm sewers, channel structures, and other construction shall be indicated on road plan drawings as specified above. Centerline profiles may be required for storm sewers which will include a change of grade or direction or are in any case, longer than fifty feet (50').
  - 2-41.4 Sanitary Sewerage Works. Engineering plans and specifications for sewage collection and disposal facilities shall be submitted subject to the requirements of the Dubuque County Board of Health and shall, in any case, be drawn to a scale no smaller than one inch to one hundred feet (1" = 100') and shall accurately show the size, materials, and location of all proposed construction. The County Health Officer may require centerline profiles for sewage collection systems.
- 2-42 STANDARDS FOR DESIGN AND CONSTRUCTION OF SUBDIVISION ROADS. All subdivision roads shall be classified, designed, and constructed in

accordance with the standards and specifications prescribed in Tables 1a to 1c, (pages 15 to 17) herein, or in accordance with the standards and specifications of the Iowa Department of Transportation where applicable. The functional classification of proposed roads shall be subject to approval by the County Engineer and Board of Supervisors.

- 2-42.1 General Requirements for Roadway Development. The following general standards for roadway development shall apply to all roadway classifications:
- a Construction materials - all construction materials shall be in accordance with the Standard Specifications of the Iowa Department of Transportation, current series, including all applicable Special Provisions; other materials specifications from approved testing laboratories shall be noted in the improvement plans.
  - b Inspection and certification - roadway grading and drainage shall be inspected by the County Engineer or an agent prior to installation of pavement; final inspection of completed pavement shall also be made by the County Engineer or an agent following receipt of certification by a licensed professional engineer that all construction is complete and was made under his direct supervision and in compliance with all improvement plans and specifications submitted as required by the terms of these regulations.
- 2-42.2 General Design Standards. The following design standards shall generally apply to all roadway classifications:
- a Intersection design - the design of subdivision road intersections shall comply with the following standards:
    - (1) Intersection angle of road centerlines shall be between eighty (80) degrees and one-hundred (100) degrees.
    - (2) Road intersections with centerline offsets of less than one hundred and fifty feet (150') shall be avoided.
    - (3) Intersections of more than two roads at a point shall not be permitted.
    - (4) Pavement radius at an intersection shall be not less than twenty feet (20').
  - b Sidewalks - the Board of Supervisors may require that sidewalks be installed in residential subdivisions where intensity of development and anticipated pedestrian traffic warrant. Sidewalks shall be four feet (4') wide and shall be constructed of four inch (4") thickness Portland cement concrete.
- 2-43 SUBDIVISION ENTRANCES TO SECONDARY HIGHWAYS.
- 2-43.1 General Provisions. All entrances from subdivisions to secondary highways shall be constructed and maintained by the subdivider or property owner, to Dubuque County Specifications and without cost to the county. Where entrances to individual lots are permitted, there shall be only one entrance for each lot unless traffic characteristics warrant additional entrances in the judgement of the County Engineer. Entrances to secondary highways which will, in the judgement of the County Engineer, tend to generate access movements in excess of five hundred (500) vehicles per day may be required to provide acceleration lanes, turning lanes, or additional turning radius.

DUBUQUE COUNTY, IOWA - SUBDIVISION ORDINANCE - TABLE 10	
Roadway class: <b>SUBDIVISION COLLECTOR</b>	
Functional intent:	
a) To collect traffic from service roads within commercial or residential development areas and distribute it to rural collector and arterial systems. b) To provide access to adjacent land where such access does not materially impede the flow of traffic between service roads and the rural collector and arterial systems. c) To provide a free-flow, moderate-speed traffic facility within one thousand feet of all residential or commercial subdivision development.	
Standard cross-section:	
<p>Section A ①</p>	<p>Section B ②</p>
APPLICABLE DEVELOPMENT STANDARDS	
GEOMETRIC DESIGN STANDARDS	PAVEMENT WIDTH
Right of way, minimum width	66 feet
Horizontal curves	
Sharpest curve (degree)	15°
Minimum length	n.e.
Maximum vertical grade	6% ②
Vertical curve, minimum length	100 feet ③
GRADING SPECIFICATIONS	PAVEMENT SPECIFICATIONS
Maximum slopes	
Foreslope	3:1
Backslope or cut slope	3:1
Fill slope	3:1
Ditch size	4'w x 2'd (min.)
GUARDRAIL REQUIREMENTS	
ACCESS CONTROLS	
Access spacing	1 to each parcel
Stopping sight distance	250 feet
① The choice of Section A or Section B shall be the option of the subdivider.	
② The County Engineer may approve vertical grades not to exceed 10% in very hilly terrain.	
③ Vertical curve length shall be in accordance with AASHTO policy for 30 m.p.h. design speed.	
	Minimum width Traffic surface      See cross-section Shoulders              10 feet Bridges (clear roadway)      30 feet
	Alternate #1: sub-base - 2" stone base base - 6" Type 2 asphalt binder course surface - 2" Type 2 asphalt concrete surface course  Alternate #2: base - 4" stone base surface - 7" Portland cement concrete  Other alternate pavement designs applicable as approved by the County Engineer.
	Shoulders for Section A shall be 4" gravel or other stabilized granular material.  Curb construction on all Section B pavements shall be Portland cement concrete 6"x6" border curb with 24" integral gutter.  Sidewalk requirements - see Section 2.42.2(b)

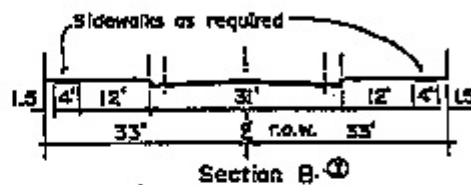
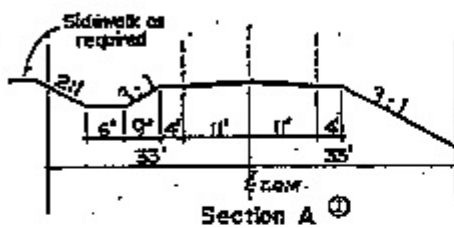
DUBUQUE COUNTY, IOWA - SUBDIVISION ORDINANCE - TABLE 1b

Roadway class: **COMMERCIAL SERVICE**

Functional intent:

- a) To provide direct access to properties within commercial, industrial, or other development areas that generate traffic volumes and characteristics that warrant a high-type of pavement and roadway design.
- b) To provide short distance access connections from commercial development parcels to collector facilities.

Standard cross-section:



APPLICABLE DEVELOPMENT STANDARDS

GEOMETRIC DESIGN STANDARDS		PAVEMENT WIDTH	
Right of way, minimum width	66 feet	Minimum width	
Horizontal curves		Traffic surface	see cross-section
Sharpest curve (degrees)	not applicable	Shoulders	4 feet ③
Minimum length	not applicable	Bridges (clear roadway)	30 feet
Maximum vertical grade	6% ④	PAVEMENT SPECIFICATIONS	
Vertical curve, minimum length	100 feet ④	Alternate #1:	
GRADINGS SPECIFICATIONS		sub-base - 6" stone base	
Maximum slopes		base - 6" Type B asphalt binder course	
Foreslope	3:1	surface - 2" Type B asphalt concrete surface course	
Backslope or cut slope	2:1	Alternate #2:	
FIR slope	3:1	base - 4" stone base	
Ditch size	6" w x 3' d (min)	surface - 7" Portland cement concrete	
GUARDRAIL REQUIREMENTS		Other alternate pavement designs applicable as approved by the County Engineer	
Not specified		Shoulders for Section A may be prepared earth with turf cover in areas where shoulder parking is prohibited. All other shoulder designs for parking surfaces shall be 4" gravel or other stabilized granular material.	
ACCESS CONTROLS		Curb construction on all Section B pavements shall be Portland cement concrete 6" x 6" barrier curb with 24" integral gutter.	
Access spacing	max. 2 per parcel	Sidewalk requirements - see Section 2.42.2(b)	
Stepping sight distance	not specified		
① The application of Section A or Section B shall be designated by the County Engineer for each subdivision.		⑤ No parking shall be permitted on any Section A roadway with shoulders less than 10 feet wide.	
② The County Engineer may approve vertical grades not to exceed 10% in very hilly terrain.			
③ Vertical curve length shall be in accordance with AASHTO policy for 20 m.p.h. design speed.			

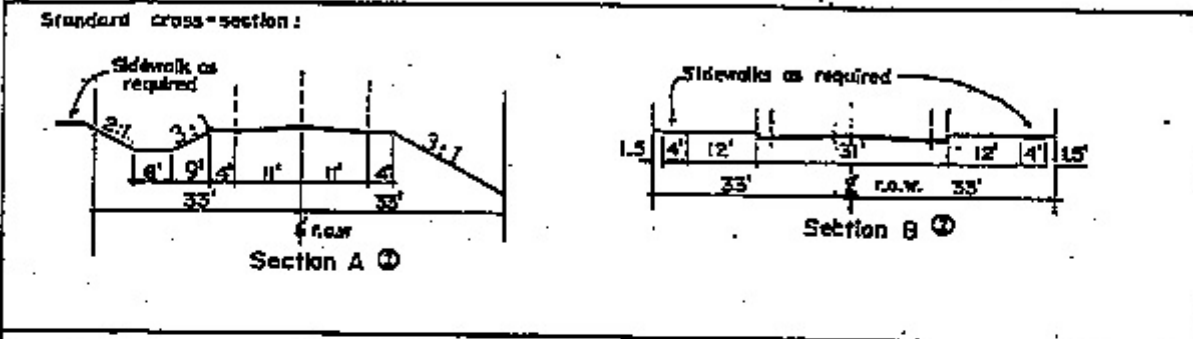


DUBUQUE COUNTY, IOWA - SUBDIVISION ORDINANCE - TABLE 1c

Roadway class: **RESIDENTIAL SERVICE**

Functional intent:

- To provide direct access to abutting property within residential development areas.
- To provide service road systems within residential subdivisions that effectively eliminate the encroachment of through traffic.
- To provide low-speed, low-volume traffic service within residential areas, and connecting service of generally less than one thousand feet distance to a collector facility.



APPLICABLE DEVELOPMENT STANDARDS

GEOMETRIC DESIGN STANDARDS	
Right of way, minimum width	66 feet
Horizontal curves	
Sharpest curve (degree)	not applicable
Minimum length	not applicable
Maximum vertical grade	2% ③
Vertical curve, minimum length	not applicable
GRADING SPECIFICATIONS	
Maximum slopes	
Foreslope	3:1
Backslope or cut slope	2:1
Fill slope	3:1
Ditch size	6'w x 3'd (min)
GUARDRAIL REQUIREMENTS	
Not specified	

PAVEMENT WIDTH	
Minimum width	
Traffic surface	see cross-section
Shoulders	4 feet ④
Bridges (clear roadway)	24 feet

PAVEMENT SPECIFICATIONS

Alternate #1:  
 sub-base - 4" stone base  
 base - 4" Type II concrete binder  
 surface - 1" Type II asphalt surface mat

Alternate #2:  
 base - 4" stone base  
 surface - 5" Portland cement concrete

Other alternate pavement designs applicable as approved by the County Engineer.

ACCESS CONTROLS	
Access spacing	1 to each parcel
Stopping sight distance	not applicable

Shoulders for Section A may be prepared earth with turf cover in areas where shoulder parking is prohibited. All other shoulder designs for parking surfaces shall be 4" gravel or other stabilized granular material.

Curb construction on all Section B pavements shall be Portland cement concrete 5"MS" barrier curb with 1/2" integral gutter.

Sidewalk requirements - see Section 2.42.2(b)

- The choice of Section A or Section B shall be the option of the subdivider.
- The County Engineer may approve vertical grades not to exceed 12% in very hilly terrain.
- No parking shall be permitted on any Section A roadway with shoulders less than 10 feet wide.

Sidewalk requirements - see Section 2.42.2(b)

2-43.2 Entrance Location Standards. The Board of Supervisors or County Engineer may refuse to approve plats and subdivisions which propose highway entrances that unnecessarily diminish the intended safety or traffic capacity of secondary highways, as established by the Dubuque County Transportation Plan. In development of entrances to secondary highways, the following standards shall generally apply:

Public Road		Applicable Entrance Standards	
Functional Class	Entrance Spacing	Stopping sight distance to entrance point	Minimum Horizontal tangent for entrance road
Principal arterial - as per Iowa Dept of Transportation standard			
Minor arterial - as per Iowa Dept of Transportation standard			
Major collector	1,000'	400'	60'
Minor collector	660'	300'	40'
Area service	n.a.	250'	not specified

2-43.3 Entrances on Open-Ditch Roads. On open-ditch type roads, the minimum size entrance culvert shall be fifteen inches (15") in diameter with a minimum of one foot (1') of cover unless the County Engineer may require a larger size or length of entrance culvert where conditions warrant. The maximum width of entrance shall be twenty-four feet (24') for residences and thirty-two feet (32') for commercial entrance. All entrance drives shall be surfaced from the right-of-way line to the edge of the pavement with at least three inches (3") of Class A crushed rock cover.

2-43.4 Entrances on Curb and Gutter Roads. On curb and gutter roads, the maximum length of curb opening shall be twenty-four feet (24') for residential lots, and not more than thirty-two feet (32') for commercial entrances. The entrance shall be surfaced from the right-of-way line to the edge of the pavement with either three inches (3") Class A crushed rock cover, a five-inch (5") thick Portland cement concrete pavement, or an equivalent asphaltic concrete pavement.

2-43.5 Multiple Entrances to Residential Lots. Residential lots, which have a minimum of one hundred and fifty feet (150') of frontage on a road classified as a Residential Service road, may have no more than two (2) entrances or curb cuts, for access from such road to the lot, provided that no part of either entrance drive shall be less than twenty feet (20') from the side lot lines measured at the street line, and provided further that the distance between the centerlines of the entrance

drives shall be not less than sixty-four feet (64').

2-44 DRAINAGE REQUIREMENTS.

2-44.1 Open Ditch Road Drainage. All surface drainage in open-ditch type road construction shall be carried along the roadway in ditches to a natural drainage outlet. Crossroad culverts shall be a minimum of twenty-four inches (24") in diameter and shall discharge into a natural drainage channel. Drain tile shall be installed by the subdivider where ditch gradients are insufficient to conduct water to a natural drainage channel.

2-44.2 Curb and Gutter Road Drainage. Surface drainage in the curb and gutter type road may be carried no more than six hundred feet (600') on the pavements in the open gutter. An adequate storm sewer shall be installed to carry the water beyond this point and the storm sewer shall have a suitable outlet. Adequate catch basins and/or flumes shall be provided to carry the water from the pavement to the storm sewer and a suitable out-fall structure shall be provided to carry the water from the pavement to the storm sewer and a suitable out-fall structure shall be provided at the end of the storm sewer if necessary to inhibit erosion at that point. Storm sewers shall be a minimum of fifteen inches (15") in diameter, and shall be laid not less than three and five-tenths feet (3.5') in depth from grade to flow line.

2-44.3 Subdivision Drainage. Natural drainage courses and waterways within any subdivision shall be preserved, with minor alterations relative to lot lines permitted, and if necessary such drainage courses and waterways shall be lined and sodded or riprapped to prevent erosion.

2-44.4 All drainage facilities shall be designed in accordance with accepted engineering principles. The County Engineer may require that all of the upstream area which contributes water to the waterway or storm sewers involved by considered as fully improved for the purpose of assumptions used in the flow calculations.

2-45 UTILITIES.

2-45.1 Locations. Utility locations shall be provided by the subdivider to the convenience of the utility, subject to approval of the County Engineer.

2-45.2 Underground Installations. All underground utility installations under roadways shall be completed before the original street paving is commenced.

2-45.3 Easements. Where necessary, utility easements shall be provided of sufficient width as to realistically service such utilities in the future.

2-46 through 2-50 Reserved.

**PART 6  
PROCEDURES FOR REVIEW OF PRELIMINARY PLAT**

- 2-51      **REQUIREMENT OF THE PRELIMINARY PLAT.** The Zoning Administrator shall distribute copies of the plat to the County Engineer, County Health Officer, and such other persons as necessary to review the plat; and shall schedule major subdivision plats for consideration by the Planning Commission. The Plats Officer shall maintain a copy of the plat for public inspection.
- 2-51.1    The County Engineer, County Health Officer, and other such persons shall examine the plat as to its compliance with the requirements of the ordinances and standards of the County and good engineering practice and shall report their findings regarding the plat to the Zoning Administrator.
- 2-51.2    The Planning Commission shall examine the plat and the report of the Zoning Administrator, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the County, and conforms to the Comprehensive Plan and other duly adopted plans of the County. The Planning Commission shall, within forty-five (45) days of the filing of the plat with the Zoning Administrator, forward a report and recommendation regarding the plat to the Board. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
- 2-51.3    The Board shall examine the plat, the report of the Zoning Administrator, and the report of the Planning Commission, and such other information as it deems necessary or desirable. Upon such examination, the Board shall ascertain whether the plat conforms to the ordinances and standards of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County in order to protect the public health and welfare. Following such examination, the Board may approve subject to conditions, or disapprove the plat. If disapproved, the reasons shall be set forth in writing in the official records of the Board, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Board shall be taken within sixty (60) days of the filing of the plat with the Plat Officer, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation notwithstanding, if any portion of the land to be subdivided lies within the area of review as described in the City's Ordinance under Chapter 354 of the Code of Iowa, the Board shall defer final action on the plat until action has been taken by the City. The Board may grant conditional approval only after receipt of all official reports. Conditional approval of subdivision plats shall constitute approval of the general design and layout of a proposed subdivision but shall not constitute approval or acceptance of roads or other facilities indicated on the plat, or of the proposed uses of land or other features of development subject to regulation by the Dubuque County Zoning Ordinance. [Amended April 24, 1995.]
- 2-52      **DURATION OF APPROVAL OF PRELIMINARY PLAT.** The approval of a preliminary plat by the Board shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider

shall take no action until application for and approval of an extension of such period of validity is granted by the Board.

- 2-53 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the Board for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided, no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement has been submitted to, and approved in writing by the County Engineer.
- 2-54 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Board will approve the final plat, any improvements to become the property of the County shall be constructed and accepted in formal resolution of the Board. Before passage of said resolution of acceptance, the County Engineer shall inspect and report that said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County.
- 2-55 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the Board may allow the subdivider to post a performance bond or other guaranty in an amount and form acceptable to the Board, conditioned upon the completion of the improvement within one year of final plat approval.

2-56 through 2-60 Reserved.

## **PART 7 FINAL PLAT REVIEW AND APPROVAL**

- 2-61 REQUIREMENT OF THE FINAL PLAT.
- 2-61.1 The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Plats Officer, necessary copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a simple division or minor subdivision as set forth herein, no final plat shall be considered by the Board until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.
- 2-61.2 The final plat shall be drawn at a scale which shall not be smaller than one inch equals two hundred feet (1" = 200'). Sheet size shall not be smaller than eight and one half inches by eleven inches (8-1/2" x 11") and of a size acceptable to the

County Recorder. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of the sheets included in the plat, and match lines indicating where other sheets adjoin.

- 2-61.3 The final plat shall be clearly marked "Final Plat" and shall show the following:
- a The name of the subdivision.
  - b Name and address of the owner and subdivider.
  - c Scale, and graphic bar scale, north arrow and date on each sheet.
  - d All monuments to be of record, as required by Chapters 355 and 354, Code of Iowa, and subsequent revisions. [Amended April 24, 1995.]
  - e Sufficient survey data to positively describe the boundary of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
  - f All distances, bearings, curves, and other survey data as set forth in Chapters 355 and 354, Code of Iowa, and subsequent revisions and this ordinance. [Amended April 24, 1995.]
  - g All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
  - h Street names and clear designations of public alleys. Street name signs shall be erected in all major subdivisions at all street intersections regardless of other route marking that may be present. Lettering on street name signs should be a least four (4) inches high. Supplementary lettering to indicate the type of street may be in smaller lettering, at least two (2) inches high. The street name sign should be reflectorized or illuminated. The legend shall have a white message on a green background. In residential districts, at least one street name sign should be mounted at each intersection.
  - i The layout, including all lot numbers and/or block designations, dimensions and area of all proposed lots created by the subdivision.
  - j Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
  - k The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer, street right-of-way easements, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
  - l A remnant of land shall not be created by the subdivider unless the land is of sufficient size and shape as to be in conformance with the requirements of the zoning district in which it is located.
  - m Legal description.

- n A statement by a registered land surveyor that the plat 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 or seal.
- o The perimeter of the property to be subdivided must be shown with all needed dimensions. No separate lots shall set aside existing or proposed streets or other rights-of-way, utility locations, waste areas or drainageways.
- p Streets shall not be designated as separate lots. All streets, whether intended to be private or dedicated to the public, shall be part of adjoining lots, with the centerline of the street serving as the boundary of lots adjoining opposite sides of the street. [Amended April 24, 1995.]

2-62 FINAL PLAT ATTACHMENTS.

- 2-62.1 Except as provided in Section 2-63 of the Ordinance, the following shall be attached to and accompany any final plat:
  - a Surveyor's Certificate certifying that the subdivision was surveyed and platted by a land surveyor registered in the State of Iowa. Such certification shall also include a description of the subdivision acceptable to the County Recorder.
  - b A certificate by the owner and spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged before an officer authorized to take the acknowledgment of deeds.
  - c A signed acknowledgement showing that the plat was reviewed by the County Auditor. The County Auditor shall not number parcels which are unsurveyed or unnumbered on a plat of survey. No plat shall be accepted which contains any parcel or fractional part which has not been surveyed and numbered by the surveyor, except for the first division of a 40 acre aliquot part into no more than two lots. [Amended April 24, 1995.]
  - d A signed acknowledgment showing that plat was reviewed by the County Recorder.
  - e A signed acknowledgment showing that plat was reviewed by the County Assessor.
  - f An attorney's opinion showing that the fee title to the subdivision is free from encumbrances other than those secured by an encumbrance bond, that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record.
  - g A certificate from the County Treasurer that the land is free from taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa. [Amended April 24, 1995.]
  - h The encumbrance bond, if any.
  - i A statement of restrictions of all types that run with the land and which become covenants in the deeds of lots.
  - j Unless a bond or guaranty is allowed by the Board under Section 2-58 of this

Ordinance, a certificate by the Consultant Engineer that all public or quasi public improvements have been satisfactorily completed in accordance with the construction plans as approved, and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements to become property of the County, shall have been provided to the Administrative Officer.

- k If any improvements are to become the Property of the County, a certified copy of the resolution accepting and approving such improvements, along with the performance bond or a guaranty required by this ordinance.
- l A certificate that the plat has been reviewed and approved by the Board and a certified copy of the resolution from the Board establishing conditions and approving the plat.
- m A certificate that the plat has been filed with the City Clerk when the plat falls within the area of review as described in the City Ordinance adopted under Chapter 354 of the Code of Iowa, and a certified resolution from the City Council, either approving the subdivision or waiving the right to review. Where required by the City, a certificate by the City Planning and Zoning Commission stating that the plat conforms with the statutes and ordinances relating to that individual city. [Amended April 24, 1995.]
- n A certificate by the Plats Officer stating that the plat conforms to the statutes and conditions as described by this ordinance.
- o A certificate by the Dubuque County Board of Health stating that all requirements pertaining to health, safety and sanitation have been reviewed and approved.
- p A certificate from the Dubuque County Zoning Commission stating that all requirements pertaining to this ordinance have been reviewed and approved.
- q A certificate from the Dubuque County Engineer stating that all requirements pertaining to this ordinance have been reviewed and approved.
- r A certificate from the Road Naming Committee stating that the establishment of street names has been reviewed and accepted.
- s A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of Code of Iowa, may be recorded in lieu of the consent of the mortgagee or lienholder. When a mortgagee or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the Board or dedicated to the public. [Amended April 24, 1995.]
- t The applicable fee, if any.

2-63 ATTACHMENTS REQUIRED.

- 2-63.1 Acquisition Plat - Final plat attachments (a), (1), and (q).
- 2-63.2 Simple Division - Final plat attachments (a), (b), (c), (d), (e), (n), (q), and (s).
- 2-63.3 Minor Subdivision - All final plat attachments.



- 2-63.4 Major Subdivision - All final plat attachments.
- 2-64 PROCEDURES FOR THE REVIEW OF FINAL PLATS.
- 2-64.1 The provisions for review shall not apply to an acquisition plat or simple division as defined in this ordinance except in those cases as directed by the Plats Officer.
- a The Zoning Administrator shall provide copies of the plat to the County Engineer, County Zoning Commission, County Board of Health, any applicable City, and such other persons as are necessary to review the plat; and shall schedule that plat for review by the Board. The Zoning Administrator shall maintain one copy for public inspection.
  - b The Zoning Administrator and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat; and shall set forth their findings. A copy of the findings shall be provided to the subdivider.
  - c If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board for review. If the plat is found not to conform to the preliminary plat, it shall be corrected or referred to the Planning Commission for further review, prior to review by the Board. If referred to the Planning Commission, the Planning Commission shall then review the plat and shall forward a written recommendation to the Board within forty-five (45) days of the filing of the plat with the Plats Officer. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.
  - d Upon receipt of the plat and written reports, the Board shall review the plat and attachments. If the plat is found to conform to the ordinances, statutes and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the Preliminary Plat; and is found to substantially conform to the preliminary plat, the Board shall approve the plat and shall cause its approval to be entered on the plat.
  - e Action of the final plat, by the Board, shall be taken within sixty (60) days of the date of filing of the plat with the Zoning Administrator, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation is notwithstanding, if any portion of the land to be subdivided lies within the City's area of review as described in the City Ordinance adopted under Chapter 354 of the Code of Iowa. The Board shall defer final action on the plat until action has been taken by the City. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board and such decisions shall be provided to the subdivider. [Amended April 24, 1995.]
- 2-64.2 Notwithstanding any other provision of this chapter, a proposed plat that divides any parcel within the Southwest Arterial Corridor into two or more lots, and any preliminary plat within the Southwest Arterial Corridor shall be submitted to the Dubuque County Board of Supervisors for review. No plat for any subdivision or

re-subdivision of property in the Southwest Arterial Corridor as shown delineated on drawings on file with the Dubuque County Zoning Office, shall be approved by the County Board of Supervisors from the effective date of this section to July 1, 2016, except where a vested right or the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Board of Supervisors may approve a proposed plat or preliminary plat upon a determination that the proposed subdivision will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The applicant shall provide the Dubuque County Board of Supervisors with a plat prepared by a licensed engineer or land surveyor that accurately depicts the parcel(s) to be subdivided and the location of the Southwest Arterial Corridor Boundaries. The Dubuque County Board of Supervisors shall also consider any recommendation from the Southwest Arterial Technical Committee concerning potential negative impacts, if any, that would result from approval of the proposed plat or preliminary plat and the subsequent development of the parcel(s). [Amended July 19, 2010, June 6, 2011, July 30, 2012, June 17, 2013, June 16, 2014, August 10, 2015]

- 2-65 DEDICATIONS. No dedication to the public of any road or street or other improvement shall be accepted on behalf of the public unless done by a resolution of the Board, clearly stating that the road or street or other improvement is accepted and identifying the road or street of other improvement or part thereof, and the nature of the interest which is accepted. Any dedication shown on any plat which is not accepted in this manner shall not be accepted and the road or street or other improvement shall not become part of the secondary road system or other public property and the County shall not become obligated to construct, maintain or improve and such road or street or other improvement. The approval of a plat showing a dedication to the public shall not constitute an acceptance of the dedication.

2-66 through 2-70 Reserved.

## **PART 8 OTHER PROVISIONS**

- 2-71 VARIANCES. Where in case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardships to the subdivider, because of unusual topography or other conditions, the Board may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured, provided,

however, that such variance, modification or waiver will not have the effect of defeating the intent and purpose of ordinance. In no case shall a variance or modification be more than the minimum adjustment necessary to eliminate the hardship. In granting a variance, the Board may impose such additional conditions as are necessary to secure the objectives of the requirements so varied, modified or waived.

- 2-72 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- 2-73 CHANGES AND AMENDMENTS. This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held following due public notice.
- 2-74 ORDINANCE NOT TO LIMIT OTHER ORDINANCES. Nothing contained herein shall serve to abrogate, limit, repeal or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provisions of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.
- 2-75 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required by the Zoning Commission or Board if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- 2-76 CONFLICT. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- 2-77 Repealed. [Amended April 24, 1995.]

2-78 through 2-80 Reserved.

**PART 9  
ENACTMENT**

2-81 EFFECTIVE DATE. This ordinance shall be effective after its final passage, approval and publication as provided by law.

**ADDENDUM A**

[Added May 10, 1999] [Repealed June 8, 2001]