

ORDINANCE NO. VI-3.2 **DRAFT ONLY******

***AN ORDINANCE AMENDING THE TEXT OF THE
CHICKASAW COUNTY SUBDIVISION ORDINANCE NO. VI-3***

WHEREAS, the Chickasaw County Board of Supervisors adopted Ordinance No. VI-3 creating subdivision regulations for the unincorporated areas of Chickasaw County effective July 1, 2007; and

WHEREAS, the Chickasaw County Board of Supervisors adopted Ordinance No. VI-3.1 amending the text of Ordinance No. VI-3; and

WHEREAS, the Chickasaw County Board of Supervisors adopted Resolution No. 08-21-23-69 that dissolved the Chickasaw County Planning Commission and appointed an administrative officer to enforce Ordinance No. VI-3; and

WHEREAS, the text of Ordinance No. VI-3 shall be amended to conform with the directives within Resolution No. 08-21-23-69;

**NOW, THEREFORE, THE TEXT OF THE CHICKASAW COUNTY
SUBDIVISION ORDINANCE NO. VI-3 IS HEREBY AMENDED AS FOLLOWS:**

SECTION 1. RESCISSION
Section III, Division A, Subparagraph 11

The entire text of Section III, Division A, Subparagraph 11 is rescinded and removed.

SECTION 2. RESCISSION
Section IV, Division D

The phrase “Planning Commission” in Section IV, Division D is rescinded and removed.

SECTION 3. RESCISSION AND REPLACEMENT
Section V, Division A, Subparagraph 1, Item A

The entire text of Section V, Division A, Subparagraph 1, Item A is rescinded and replaced with the following text: “If a subdivision is found to be unsuitable for any of the reasons cited in this section the Administrator shall state the reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Administrator may re-affirm, modify or withdraw the determination of unsuitability.”

SECTION 4. RESCISSION AND REPLACEMENT
Section V, Division A, Subparagraph 2, Item B

The entire text of Section V, Division A, Subparagraph 2, Item B is rescinded and replaced with the following text: “Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than eighty (80) foot right-of-way width, and in similar alignment, unless variations are recommended by the Administrator and approved by the Board of Supervisors.”

SECTION 5. RESCISSION AND REPLACEMENT
Section V, Division A, Subparagraph 2, Item K

The entire text of Section V, Division A, Subparagraph 2, Item K is rescinded and replaced with the following text: “Neighborhood Plan. If any overall plan has been made for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.” [rewritten with rescissions]

SECTION 6. RESCISSION AND REPLACEMENT
Section V, Division A, Subparagraph 2, Item L

The entire text of Section V, Division A, Subparagraph 2, Item L is rescinded and replaced with the following text: “Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Administrator may require a sketch of the prospective future system of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.”

SECTION 7. RESCISSION AND REPLACEMENT
Section VI, Division B

The entire text of Section VI, Division B is rescinded and replaced with the following text:

“B. NUMBER OF COPIES

Whenever the proprietor of any tract or parcel of land within the unincorporated area of the County wishes to subdivide or plat the same, the proprietor shall cause to be prepared a preliminary plat of said subdivision and shall submit seven (7) copies of said preliminary plat and supportive information, one (1) of which shall be full-size (scalable) and the remaining may be reduced in size, to the Administrator for preliminary study and approval.” [rewritten with rescissions]

SECTION 8. RESCISSION
Section VI, Division C

The phrase “Planning Commission” in Section VI, Division C is rescinded and removed.

SECTION 9. RESCISSION AND REPLACEMENT
Section VI, Division F

The entire text of Section VI, Division F is rescinded and replaced with the following text:

“F. REVIEW BY THE ADMINISTRATOR

1. Upon receipt of the report of the various offices referred to in Section VI(C) above, as soon as possible, but not more than sixty (60) days after initial receipt of the plat by the Administrator, the Administrator shall review said plat, consider said reports, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Administrator shall give written reasons therefore.
2. Before considering a preliminary plat, the Administrator has discretion to hold a public hearing, notice of which shall be given by publication in a local newspaper at least four (4), but not more than twenty (20), days before said public hearing.
3. If a public hearing is scheduled, as a courtesy, property owners and lessees within five hundred (500) feet may be notified of said public hearing.
4. The Administrator shall provide a recommendation regarding the plat to the Board of Supervisors.” [rewritten with rescissions]

SECTION 10. RESCISSION AND REPLACEMENT
Section VI, Division G, Subparagraph 1

The entire text of Section VI, Division G, Subparagraph 1 is rescinded and replaced with the following text: “After receiving a recommendation from the Administrator, the Board of Supervisors shall then take action upon the preliminary plat, certifying its approval or disapproval. If approved, the preliminary plat shall be certified by resolution. In case of disapproval, the Board shall give written reasons therefore.”

SECTION 11. RESCISSION AND REPLACEMENT
Section VII, Division A

The entire text of Section VII, Division A is rescinded and replaced with the following text:

“A. NUMBER OF COPIES

Within one (1) year of approval of the preliminary plat, or extension thereto, by the Board of Supervisors, the subdivider shall submit seven (7) copies of the final plat for review, one (1) copy of which shall be full-size (scalable) and the remaining may be reduced in size, to the Administrator for preliminary study and approval. Final plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted.” [rewritten with rescissions]

SECTION 12. RESCISSION
Section VII, Division B

The phrase “Planning Commission” in Section VII, Division B is rescinded and removed.

SECTION 13. RESCISSION AND REPLACEMENT
Section VII, Division C, Subparagraph 7

The entire text of Section VII, Division C, Subparagraph 7 is rescinded and replaced with the following text: “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, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plan. All such easements relative to their usage and maintenance shall be approved by the Administrator prior to the recording of the plat.”

SECTION 14. RESCISSION AND REPLACEMENT
Section VII, Division E

The entire text of Section VII, Division E is rescinded and replaced with the following text:

“E. REVIEW BY THE ADMINISTRATOR

The Administrator shall review the final plat in the same manner that the Administrator addressed preliminary plats, Section VI(F), and forward the recommendation to the Board of Supervisors.” [rewritten with rescissions]

SECTION 15. RESCISSION AND REPLACEMENT
Section VII, Division F, Subparagraph 1

The entire text of Section VII, Division F, Subparagraph 1 is rescinded and replaced with the following text: “After receiving a recommendation from the Administrator and reviewing offices, the Board of Supervisors shall then take action upon the final plat, certifying its approval or disapproval. If approved, the preliminary plat shall be certified by resolution. In case of disapproval, the Board shall give written reasons therefore.”

SECTION 16. RESCISSION AND REPLACEMENT
Section VIII, Division E

The entire text of Section VIII, Division E is rescinded and replaced with the following text: “The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the Administrator for a recommendation prior to considering the minor plat. If approved by the Board, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the Board of Supervisors shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal, within twenty (20) days to district court, the failure of the Board of issue final approval of the minor plat as provided in this Ordinance.”

SECTION 17. RESCISSION AND REPLACEMENT
Section XI

The entire text of Section XI is rescinded and replaced with the following text:

“VACATION OF PLATS, STREETS, AND OTHER PUBLIC LANDS

Prior to consideration by the Board of Supervisors, all vacations of plats, streets, and other public lands shall be reviewed by the Administrator. A recommendation from the Administrator shall be forwarded to the Board of Supervisors.

A. Vacation of Plats. The owners of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Administrator for review and recommendation. After review by the Administrator, the petition and recommendation are filed with the Board of Supervisors, and they shall set a time and place for a public hearing on the petition. Written notice of the public hearing shall be provided by the petitioner to proprietors and mortgages within three hundred (300) feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written

notice of the proposed vacation. Notice of the proposed vacation shall be published twice, within fourteen (14) days between publications, stating the date, time, and place of the public hearing.

The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

1. An instrument signed, executed, and acknowledged by all the property owners and mortgages within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated.
2. A resolution by the Board of Supervisors approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside for dedicated or public use.
3. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgages within the official plat.

B. Vacation of Streets and Other Public Lands. The County may vacate a part of an official plat that had been conveyed to the County or dedicated to public which is deemed by the Administrator and Board of Supervisors to be of no benefit to the public. The County shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The County may convey the vacated property by deed or may convey the property to adjoining property owners through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed. A recorded vacation instrument which conforms to this Section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor. A

vacation instrument recorded pursuant to this subsection shall not operate to annul any part of an official plat except as provided for in Section XI(A).” [rewritten with recissions]

SECTION 18. RESCISSION AND REPLACEMENT
Section XIII

The entire text of Section XIII is rescinded and replaced with the following text:

“WAIVERS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in hardships or injustices, the Board of Supervisors upon the recommendation of the Administrator, may waive or modify such requirements to allow the subdivider to develop the property in a reasonable manner with due regard for the public welfare so that the interests of the County and surrounding area are protected and the general intent and spirit of this Ordinance is preserved. The Board of Supervisors may place conditions on granted waivers and/or exceptions that are intended to mitigate any real or perceived negative side effects of the plat on its surrounding.”

SECTION 19. RESCISSION AND REPLACEMENT
Section XV

The entire text of Section XV is rescinded and replaced with the following text:

“SUBDIVISION ORDINANCE CHANGES AND AMENDMENTS

Any provision of these regulations may be changed and amended from time to time by the Board of Supervisors provided, however, that such changes and amendments should not become effective until after study, a properly notice public hearing is conducted, and a recommendation is made by the Administrator in accordance with the provision of Chickasaw County and the Code of Iowa.”

SECTION 20. INTEGRATION WITH CODE

Each section, provision, or part of this Ordinance which is followed by a section number shall be inserted in the Chickasaw County Subdivision Ordinance (Ordinance No. VI-3, effective July 1, 2007) as indicated by said section number and hereafter shall be cited by reference to said section number.

SECTION 21. REPEALER

All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

SECTION 22. SEVERABILITY OF REPEALER

All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

SECTION 23. SEVERABILITY

If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of this Ordinance, and such adjudication shall not affect the validity of this Ordinance as a whole, or any section, provision, or part not adjudged invalid or unconstitutional.

SECTION 24. EFFECTIVE DATE

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

PASSED AND ADOPTED by the Chickasaw County Board of Supervisors this 20th day of May, 2024.

Yes / No
Scott Cerwinske, Chair

Yes / No
Steven Breitbach, Vice Chair

Yes / No
Jacob Hackman

Yes / No
Matthew Kuhn

Yes / No
Travis Suckow

ATTEST: Sheila Shekleton, Auditor

First Reading: 05/06/24
Second Reading: 05/13/24
Third Reading: 05/20/24
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