

SUBDIVISION ORDINANCE

Ordinance No. 3 – Part 2

Updated in 1982
Revised in 2005

For: Cass County Board of Supervisors

By: H. Gene McKeown and Associates, Inc.
Atlantic, Iowa

2005 Revisions made by Board of Adjustments

SUBDIVISION ORDINANCE
Cass County, Iowa

CONTENTS

	<u>Page</u>
<u>CHAPTER I – PURPOSE AND JURISDICTION</u>	
Section 1.1 Purpose	1
1.2 Title	1
1.3 Jurisdiction	1
 <u>CHAPTER II – DEFINITIONS</u>	
Section 2.1 Definitions	2
 <u>CHAPTER III – PLATTING PROCEDURES AND PLAT REQUIREMENTS</u>	
Section 3.1 Preliminary Platting Procedure	4
3.2 Final Platting Procedure	5
3.3 Plat Within Two Miles of a City	5
3.4 Professional Assistance	6
3.5 Preliminary Plat Requirements	6
3.6 Final Plat Requirements	7
 <u>CHAPTER IV – DESIGN STANDARDS</u>	
Section 4.1 Roads	11
4.2 Blocks	13
4.3 Lots	13
4.4 Easements	13
4.5 Erosion Control	14
 <u>CHAPTER V – IMPROVEMENTS REQUIRED</u>	
Section 5.1 Roads	15
5.2 Sanitary Sewers	15
5.3 Water	16
5.4 Storm Drains	16
5.5 Markers	16
5.6 Erosion Control	16
5.7 Specifications	17
5.8 Inspection	17
5.9 Improvements Within Two Miles of a City	17
5.10 Maintenance Bond	17

CHAPTER VI – GENERAL PROVISIONS

Section	6.1	Administrative Officer	18
	6.2	Fees	18
	6.3	Enforcement	18
	6.4	Variances	18
	6.5	Amendments	19
	6.6	Repeal of Conflicting Ordinances	19
	6.7	Validity	19
	6.8	Effective Date	19

CHAPTER I

PURPOSE AND JURSDICTON

- 1.1 Purpose. The purpose of this ordinance is to provide rules and regulations for the subdivision of land within the unincorporated areas of Cass County, Iowa; to prescribe minimum standards for the design and development thereof; to establish procedures for the approval of preliminary and final plats and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public and to facilitate the adequate provision of transportation, water, sewerage and other public requirements.
- 1.2 Title. This ordinance shall be known and may be referred to as the Cass County Subdivision Ordinance.
- 1.3 Jurisdiction. All plats, replats, or subdivision of land into three or more parts in the unincorporated areas of Cass County, for other than agricultural purposes, including the laying out of suburban lots or additions within two miles of any city, or if a new road is created, any division of a parcel of land, shall be submitted to the Board of Supervisors and the County Zoning Commission in accordance with the procedures established by this ordinance, and shall be subject to the requirements established herein, and in Chapter 354 of the Code of Iowa.

All plats, replats, or subdivisions of land as defined above, that are within two miles of any city having extra-territorial subdivision control, shall also be submitted to the council and planning commission in such cities, and shall be subject to the procedures and requirements of such city and Chapter 354 of the Code of Iowa as well as the requirements established herein.

CHAPTER II

DEFINITIONS

- 2.1 Definitions. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word “shall” is mandatory and not directory.
1. Alley. A permanent public service way or right-of-way, designed to provide a secondary means of access to abutting property.
 2. Auditor. The County Auditor of Cass County, Iowa.
 3. Board. The Board of Supervisors of Cass County, Iowa.
 4. Building Line. A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the zoning ordinance, and where they do not, the most restrictive requirement will control.
 5. Commission. The Zoning Commission of Cass County, Iowa.
 6. County. Cass County, Iowa.
 7. Cul-de-Sac. A minor road having one end open to motor traffic, and other end being permanently terminated by a vehicular turnaround.
 8. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
 9. Final Plat. The map or drawing, on which the subdivision plan is presented in the form which, if approved by the Board and Zoning Commission, will be filed and recorded with the County Recorder.
 10. Preliminary Plat. A study, or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Board and Zoning Commission for consideration.
 11. Separate Tract. A parcel of land or a group of contiguous parcels of land under one ownership on the effective date of this resolution.
 12. Road (Street). A right-of-way other than an alley dedicated or otherwise legally established to and accepted for the public use, usually affording the principal means of access to abutting property. A

road may be designated as a street, highway, thoroughfare, parkway, avenue, lane, drive, place or other appropriate designation.

13. Collector of Feeder Road. A street or road intended to carry vehicular traffic from residential or local streets to thoroughfares or traffic generators. This category includes trunk and trunk collectors as defined by the Iowa functional roads and streets classification system.
14. Residential Street or Local Road. A road used primarily for access to abutting property and includes area service roads as defined by the Iowa functional roads and streets classification system.
15. Right-of-Way. The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
16. Subdivider. Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.
17. Subdivision. The division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new road is involved, any division of a parcel of land.

CHAPTER III

PLATTING PROCEDURES AND PLAT REQUIREMENTS

3.1 Preliminary Platting Procedure.

1. The subdivider of any tract of land to be subdivided shall cause a preliminary plat to be prepared containing the information specified herein and shall file six (6) copies and a reproducible sepia or tracing of the plat with the Administrative Officer.
2. The Administrative Officer shall immediately transmit three (3) copies of the preliminary plat to the Zoning Commission and one (1) copy each to the County Engineer and County Health Officer for study and recommendation.
3. The Zoning Commission shall hold a public hearing on the preliminary plat; consider the recommendations of the County Engineer and County Health Officer as well as the following factors:
 - a. The relation of the proposed subdivision to the public interest.
 - b. The effect of the proposed subdivision on the environment.
 - c. The compliance of the proposed subdivision with the provisions of this ordinance.
 - d. The suitability of the area for the proposed development, with special attention to site features such as topographic and subsurface conditions.
 - e. The availability of utilities and various public services such as police and fire protection, schools, parks and solid waste disposal.
 - f. The availability of access from existing highways and the nature of the altered traffic pattern that may result from the proposed subdivision.
 - g. The use of sound planning and engineering practices in developing the plat and its features.
4. The Commission shall, within forty-five (45) days of receipt of the plat, submit its recommendations to the Board of Supervisors whether of approval, modification or disapproval, stating its reasons therefore. The subdivider, may, however, agree to an extension of time not to

exceed sixty (60) days. A copy of the recommendation shall be forwarded to the subdivider.

5. The Board of Supervisors, upon receipt of the Commission's recommendation, or after the forty-five (45) days or any extension thereof shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Board of Supervisors shall advise the subdivider of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Supervisors shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

3.2 Final Platting Procedure

1. A final plat shall be submitted within twelve (12) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 3.1 above, except that a public hearing shall not be required.
3. Upon approval of the final plat, a certification of approval signed by the Chairman of the Board of Supervisors and attested by the County Auditor shall be affixed to the original tracing of the final plat and copies of the same filed with the County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

3.3 Plat Within Two (2) Miles of a City. The procedure for plats within two (2) miles of a city having extra-territorial subdivision control shall be to the same as set out for preliminary and final plats in Section 3.1 and 3.2, and as hereinafter provided.

1. The subdivider shall also file such plats with the municipality in accordance with its established procedures.
2. The Commission shall submit its recommendations to the municipality.
3. If action by the municipality is in accord with the recommendations of the Commission, the Board of Supervisors shall concur with such action, provided that the design standards and improvements required are not less than those established herein.

3.4 Professional Assistance. The Board of Supervisors or the Zoning Commission may request such professional assistance as deemed necessary to properly evaluate the plats submitted.

3.5 Preliminary Plat Requirements. The preliminary plat shall contain the following information:

1. A location map showing:
 - a. Subdivision name.
 - b. Outline of the area to be subdivided.
 - c. Existing roads and public or community utilities, if any, on adjoining property.
 - d. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Said preliminary plat to show:
 - a. Legal description, acreage and name of proposed subdivision.
 - b. Name and address of the owner.
 - c. Name of person who prepared the plat, and date thereof.
 - d. Location of existing lot lines, roads, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
 - e. Location and widths, other dimensions and names of the proposed roads, utility easements and other open spaces or reserved areas.
 - f. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
 - g. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order.
 - h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at

vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.

- i. Tract boundary lines showing dimensions, bearings, angles and references to known lines or bench marks.
- j. Names of adjacent property owners.
- k. Proposed building lines.
- l. A cross section of the proposed roads showing the roadway location, the type and width of surfacing, the type drainage and other improvements to be installed.
- m. Grades of proposed roads.
- n. The size, type and location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
- o. The drainage of the land including location of proposed storm sewers, ditches, culverts, bridges and other structures.
- p. Any area subject to inundation or flood hazard by storm waters shall be clearly shown on the plat.
- q. North point and graphic scale.
- r. Layout of lots showing approximate dimensions and number.
- s. A statement or plan regarding methods and/or techniques to be used in controlling soil erosion during construction and development of the subdivision.
- t. A statement from applicable utility companies indicating their approval of the utility easements shown on the plat.

3.6 Final Plat Requirements. The final plat shall meet the following specifications.

- 1. It may include all or only part of the preliminary plat.
- 2. The plat shall be drawn to the scale of fifty (50) feet to one (1) inch provided that if the resulting would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used.
- 3. The final plat shall contain the following:

- a. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet for the subdivision boundary and one (1) foot in five thousand (5,000) feet for lot lines.
- b. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the County of which the subdivision is a part.
- c. Accurate locations of all existing and recorded roads intersecting the boundaries of the tract.
- d. Accurate metes and bounds description of the boundary.
- e. Road or street names.
- f. Complete curve notes for all curves included in the plat.
- g. Road right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
- h. Lot numbers and dimensions.
- i. Block numbers, if used.
- j. Accurate locations of easements for utilities and any limitations on such easements.
- k. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- l. Building lines and dimensions.
- m. Location, type, material and size of all monuments and markers.
- n. Name of the subdivision.
- o. Name and address of owner and subdivider.
- p. North point, scale and date.
- q. Certification by a registered land surveyor of the State of Iowa.
- r. Certification of dedication of roads and other public property.

- s. Resolution and certificate for approval by the Board and signatures of the Chairman and County Auditor.
 - t. If the subdivision is within two (2) miles of a city that has extra-territorial subdivision control, a Resolution and Certificate of approval by the Council of the affected city shall also accompany the final plat.
4. The final plat shall be accompanied by the following instruments:
- a. A certified statement from the owner and the owner's spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and the proprietor's spouse.
 - b. (1) A certificate bearing the approval of the Board of Supervisors stating that all improvements and installations in the subdivision required by this ordinance have been made or installed in accordance with the County specifications, or

(2) A surety bond with the County which will insure the County that the improvements will be completed by the subdivider within two (2) years after official acceptance of the plat. The form and type of bond shall be approved by the County Attorney and the amount of the bond shall not be less than the amount of the estimated cost of the improvements as determined by the County Engineer plus ten (10) percent, and the amount of the estimate must be approved by the Board of Supervisors. If the improvements are not completed within the specified time, the Board may use the bond or any necessary portion thereof to complete the same. If within two (2) miles of a city having jurisdiction, the bond shall be with the city.

The final plat shall state that the subdivider, its grantees, assignees, and successors in interest agree that public services including but not limited to road maintenance, snow and ice removal, and any other services normally provided by the County, will not be extended to this subdivision until the road is completed and accepted by the County.
 - c. Copy of Restrictive Covenants to be attached to the lots of the subdivision.
 - d. Plans, profiles, cross sections and specifications for street improvements and utility systems to be installed.

5. The final plat shall also be accompanied by the following at the time it is presented for filing with the County Auditor and Recorder:
 - a. A complete abstract of title and an opinion from an attorney-at-law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.12 of the Code of Iowa.
 - b. If the land platted is encumbered in the manner set out in Section 354.12 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance and approved by the Recorder and Clerk of District Court and which runs to the County for the benefit of the purchasers of the land subdivided has been filed with the Recorder.
 - c. A certified statement from the Treasurer of the County that it is free from taxes.
 - d. A certified statement from the Clerk of the District Court that the land platted is free from all judgments, attachments, mechanic's and other liens as appears by the record in his office.
 - e. A certified statement of the County Recorder that the title in fee is in such proprietor and it is free from encumbrance other than that secured by the bond provided for in Section 354.12 of the Code of Iowa, as shown by the records of his office.

CHAPTER IV
DESIGN STANDARDS

4.1 Roads.

1. Design Considerations:
 - a. The road layout shall provide access to all lots and parcels of land within the subdivision.
 - b. Road jogs of less than 150 feet shall be avoided.
 - c. Cul-de-sacs shall not exceed 750 feet in length.
 - d. Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradient.
 - e. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector or feeder streets and roads which shall extend through the subdivision to the boundaries thereof.
 - f. Where access to adjoining properties is deemed necessary by the County, residential and other minor roads shall be extended to the subdivision boundaries.
 - g. Frontage roads shall be provided where required by the Iowa Department of Transportation, the Cass County Secondary Road Department, or where sound planning and engineering practices dictate.
 - h. No dead-end roads or alleys will be permitted except at subdivision boundaries in which case a temporary cul-de-sac or turn around shall be provided.
 - i. Alleys shall not be permitted in residential areas.
 - j. Intersection of road center lines shall be between 80 degrees and 100 degrees.
 - k. Intersection of more than two roads at a point shall not be permitted.
 - l. Where parkways or special types of roads are proposed, the commission may apply special standards for the design of such parkways or roads.

- m. Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.

2. Minimum rights-of-way shall be provided as follows:

- a. Collector or feeder roads 80 feet
- b. Residential roads or local roads 60 feet
- c. Frontage roads 40 feet
- d. Cul-de-sacs 110 feet
(diameter)
- e. Alleys 20 feet
- f. Pedestrian Ways 10 feet

3. Road Surfacing:

- a. Road surfacing shall be provided within the two (2) mile subdivision control area of cities in accordance with the Street standards established by the municipality but in no case shall the standard be less than established herein for subdivisions beyond the two (2) mile control area.
- b. Beyond the two (2) mile control area, surfacing shall be in accordance with one of the following:
 - 1) An urban-type cross section with curb and gutter and a surface width of not less than twenty-five (25) feet from back of curb to back of curb. A cross section of this type may be required by the Board of Supervisors where lots are less than 15,000 square feet in area; where lots have a frontage of 150 feet or less; where the county deems it necessary to control drainage; or where the density of population and anticipated traffic volumes would warrant such cross section.
 - 2) A rural cross section utilizing ditches in lieu of curb and gutter. In such case, a surfaced roadway of not less than twenty-four (24) feet in width shall be constructed on a thirty (30) foot wide subgrade top. Foreslopes, backslopes and width and depth of ditches shall be in accordance with current county standards for similar work.

- c. Frontage Roads – Same as above.
- d. Cul-de-sacs – 85 feet in diameter
- e. Alleys – 20 feet

4.2 Blocks.

1. Blocks shall be not less than five hundred (500) feet nor more than one thousand two hundred fifty (1250) feet in length.
2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two hundred twenty (220) feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, railroad or other barrier, the width shall be not less than one hundred fifty (150) feet.
3. Crosswalks may be required in blocks over nine hundred (900) feet long or in areas where curved roads require excessive out-of-distance travel. If required, they shall be constructed by the developer.

4.3 Lots.

1. All lots shall abut on a road.
2. Side lines of lots shall approximate right angles to straight road or street lines and radial angles to curved road lines except where a variation will provide better road and lot layout.
3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.
4. Corner lots shall not be less than eighty (80) feet in width, and interior lots shall not be less than seventy (70) feet in width at the building line.
5. No lot shall have less area or width than required by the zoning ordinance for the district in which it is located.

4.4 Easements and Utility Locations.

1. Easements shall be provided along each side of streams and other drainage courses where deemed necessary by the County Zoning Commission.

2. Easements not less than eight (8) feet in width shall be provided along each side of the rear lot lines of all lots and along such other lot lines as may be required by public and private utility companies.
3. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses, or high voltage lines and shall be provided as determined by the affected utility or by the County Engineer.
4. All utility lines shall be placed underground except main or feeder electric distribution lines may be overhead where deemed necessary by the utility company.

4.5 Erosion Control.

1. The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide interim erosion and runoff control measures as work progresses on site grading, the installation of street surfacing, sewers or other improvements and stages of work.
2. The subdivider shall be responsible for providing permanent erosion control measures along streams, waterways and other water courses which will ultimately become a permanent part of the subdivision.
3. Methods for controlling erosion may, where appropriate, include mulches, temporary or permanent vegetative cover, the use of terraces, diversion ditches, impoundments, subsurface drainage pipes, or other structures which will intercept, divert, retard or otherwise control runoff and soil erosion.

The plan and methods and/or techniques for controlling soil erosion and siltation shall be approved by the Cass County Soil Conservation District.

CHAPTER V

IMPROVEMENTS REQUIRED

5.1 Roads.

1. Grading. All roads being dedicated for public use shall be brought to the grade approved by the County Engineer.
2. Surfacing. All roads and alleys being dedicated for public use shall be surfaced to the width required by Section 4.1-3. Surfacing shall be six (6) inch portland cement concrete or a three (3) inch asphaltic concrete surface over a six (6) inch rolled stone base and shall be constructed in accordance with design and specifications, and at grades approved by the Board of Supervisors and the County Engineer.
3. Curb and Gutter. Curb and gutter on all roads being dedicated for public use shall be of portland cement concrete six (6) inches high and not less than twenty-four (24) inches in overall width, or of integral construction where the roadway surface is a portland cement concrete.

5.2 Sanitary Sewers. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:

1. Public Collection System. Where reasonably available, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer systems of a municipality. In such case the sewer system shall be approved by the affected municipality and shall be designed and constructed in accordance with the municipal specifications.
2. Local or Community Treatment System. Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the County and State Boards of Health.
3. Private Disposal Systems. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install on each lot, a septic tank and absorption field or other system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance.

- 5.3 Water. The subdivider shall provide the subdivision with an approved water supply and distribution system in accordance with one of the following:
1. Public Water System. Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system or an approved rural water system.
 2. Local or Community Water System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution systems, including all necessary main, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the County and State Boards of Health.
 3. Individual Water System. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install individual wells on each lot, or other water system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance.
- 5.4 Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
- 5.5 Markers. An iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length shall be placed as follows:
1. At the intersection of all lines forming angles in the boundary of the subdivision.
 2. At block and lot corner and changes in direction of block and lot boundaries.
- 5.6 Erosion Control. The subdivider shall provide plans approved by the Soil Conservation District regarding:
1. Temporary measures for controlling erosion and siltation during construction and development of the subdivision.
 2. Permanent measures for controlling erosion along water courses, ditches, and other areas susceptible to erosion which will remain or become a permanent part of feature within the subdivision.

- 5.7 Specifications. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the County for like work. Plans and specifications shall be submitted to the Board for approval prior to construction and construction shall not be started until the plans and specifications have been approved.
- 5.8 Inspection. The Board shall cause the installation of all improvement to be inspected to insure a compliance with the requirements of this ordinance. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the County.
- 5.9 Improvements Within Two Miles of a City. Improvements in subdivision within two (2) miles of a city having extra-territorial subdivision control shall be in accordance with the requirements of the municipality, but shall not be less than those required by the County provided further that all road and drainage construction plans shall be approved by the Board of Supervisors and the County Engineer.
- 5.10 Maintenance Bond. Prior to the release of the performance bond or acceptance of improvements by the County, the subdivider shall provide a two (2) year maintenance bond in the form approved by the County Attorney and an amount approved by the Board of Supervisors.

CHAPTER VI

GENERAL PROVISIONS

- 6.1 Administrative Officer. The Board of Supervisors shall appoint and Administrative Officer for the purpose of administering and enforcing the provisions of this ordinance. Such administrator may be a person holding other public office in the County or in a city or other governmental subdivision with the county.
- 6.2 Fees. Each preliminary plat submitted for approval shall be accompanied by a fee of one hundred (100) dollars, which shall be credited to the General Fund of the County.
- 6.3 Enforcement. In addition to other remedies and penalties prescribed by law the provisions of this ordinance shall be enforced as follows:
1. No plat or subdivision within the unincorporated areas of the County shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has been submitted to the County Board of Supervisors for approval as prescribed herein, and if applicable, the Council of the city having two (2) mile jurisdiction over the platted area.
 2. Not more than two building permits shall be issued for each separate tract existing at the effective date of this ordinance unless the tract shall have been platted in accordance with the provisions contained herein.
 3. No public improvements over which the Board of Supervisors has control shall be made with county funds, nor shall any county funds be expended for road maintenance, road improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and roads have been approved in accordance with the provisions of this ordinance and the road accepted by the Board of Supervisors as a public road.
 4. Any person who shall hereafter dispose of or offer for sale or lease any lots in any subdivision unless the plate thereof has been approved in accordance with this ordinance and recorded shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased, or offered for sale.
- 6.4 Variations. Where the strict application of standards or requirements established by this ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of

natural or physical conditions or limitations, not created by the owner or developer, the Zoning Commission may recommend and the Board of Supervisors may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this ordinance.

- 6.5 Amendments. This ordinance may be amended from time to time by the Board of Supervisors. Such amendments as may be proposed shall first be submitted to the Zoning Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Board shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.
- 6.6 Repeal of Conflicting Ordinances. All ordinances or parts of ordinance in conflict with or inconsistent with the provisions of this ordinance, particularly the Zoning Ordinance and Subdivision Regulations of Cass County adopted the 1st day of March, 19 62, and amendments thereto, are hereby repealed to the extent necessary to give this ordinance full force and effect.
- 6.7 Validity. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.
- 6.8 Effective Date. This ordinance shall be in effect from and after its adoption and publication as required by law.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005

BY THE CASS COUNTY BOARD OF SUPERVISORS.

Signed: _____
Chairman

Attest: _____
County Auditor