
**CLAYTON COUNTY, IOWA SUBDIVISION ORDINANCE
(UNINCORPORATED AREAS)**

AMENDMENT TO THE SUBDIVISION REGULATIONS ORDINANCE. AMENDMENT BY REPEALING THE CURRENT ORDINANCE AND AMENDING IT WITH THE FOLLOWING AMENDED VERSION OF THE SUBDIVISION REGULATION ORDINANCE

RECOMMEND FOR ADOPTION BY
THE CLAYTON COUNTY PLANNING & ZONING COMMISSION
ON:
October 9, 2007

ADOPTED BY
THE CLAYTON COUNTY BOARD OF SUPERVISORS
ON:
First Reading: 10/31/07
Second Reading: 11/7/07
Third Reading: Waived on 11/7/07

EFFECTIVE DATE:
Upon Publication

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SUBDIVISION OF LAND

PURPOSE

To provide procedures and guidance for the approval of subdivisions, re-subdivision, or dedications in the unincorporated areas of Clayton County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving and protecting the health, safety, and general welfare of the citizens; as well as repealing all other ordinances or resolutions in conflict herewith. This Ordinance is permitted and specifically authorized in Chapter 354, Platting - Division and Subdivision of Land, Code of Iowa, as amended.

In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

Reference numbers to the Code of Iowa sections are those in effect on the date of the adoption of this Ordinance. Future changes in the numbering of the Code of Iowa sections are intended to be incorporated herein by reference without future amendment of this Ordinance. Amendments to Code sections which are the same or substantially similar to those in effect on the date of the adoption of this Ordinance are incorporated by this reference. These Code of Iowa references are for convenience and continuity of enforcement and shall in no event be construed to make this Ordinance or any part thereof invalid.

SECTION I TITLE

An Ordinance repealing existing subdivision regulations or ordinances, and all of the amendments thereto.

The following subdivision ordinance is enacted in lieu thereof as a new ordinance and shall be known as the "Clayton County, Iowa Subdivision Ordinance". This is an ordinance creating subdivision regulations for the purpose of protecting health, welfare, and public safety in the unincorporated areas of Clayton County, Iowa.

SECTION II GENERAL PROVISIONS

- A. Application. This Ordinance shall apply to all plats, replats, and divisions of land into parcels, any of which are less than forty (40) acres and lying in the unincorporated area of Clayton County, Iowa, including the subdivision of land within two (2) miles of any city. The division of land which can be adequately described by not less than the aliquot parts of one half (1/2) of one-quarter (1/4) of one-quarter (1/4) section shall not be subject to these regulations. The provisions of this Ordinance shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel after the date of the original zoning ordinance dated 1970.
- B. Plats within Two Miles of a City or Town. In the event a Subdivision is located within two (2) miles of the corporate limits of a city which exercises such Subdivision jurisdiction, as provided in Section 354.9, Code of Iowa, as amended, the procedures for review and approval of preliminary and final Plat of Surveys shall be the same as established by this Ordinance, except that the preliminary and final Subdivision plats shall first be reviewed and approved by the City Council of that city. The developer shall submit the preliminary and final plats and other required materials as required by this Ordinance. The County Board shall have the right to waive such requirements, as are contained in the Ordinance, for such Subdivisions whenever the County Board, upon recommendation by the Commission is satisfied that equally suitable regulations have been placed on these Subdivisions by the City Council of that city.

Such a Plat of Survey shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the County Board, as prescribed by this Ordinance and by the City Council of that city. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

- C. Platting and Procedures. Before any division of land, the individual should discuss with the Plat Review Agent the requirements and procedure. The Plat Review Agent will advise the individual if they need to submit an Application for Land Division. An application is required for a major or minor subdivision or property line adjustment as defined in this chapter. Appropriate fees will be charged as outlined in a “Fee Schedule” approved by the Board of Supervisors and placed on file in the Clayton County Health and Zoning Office. The Plat Review Agent will discuss the proposal with other officials who must eventually give final approval.
1. The procedure for approval of a major Subdivision, as defined in Section VI(36a) shall consist of a:
 - a. Preliminary plat, as described in Section VIII.
 - b. Final plat, as described in Section IX.
 - c. Review by Zoning Commission and Approval by resolution by County Board of Supervisors
 2. The procedure for approval of a minor Subdivision, as defined in Section VI(36b), shall consist of a:
 - a. Plat of Survey
 - b. Review and Waiver by Administrator or Recommendation of Approval of Plat of Survey
 - c. Attachments to subdivision Plats as per Code of Iowa Sections 354.06 and 344.11.
 - d. Review and approval by resolution by County Board of Supervisors.
 3. The procedure for approval of a property line adjustment, as defined in Section VI(36c), shall consist of:
 - a. Instrument of transfer approved by County Auditor.
 - b. Review and Waiver by Plat Review Agent.
- D. Zoning. Any property proposed for subdivision shall be correctly zoned to accommodate the proposed use(s).
- E. Review by Agencies. All plats shall be submitted to the Zoning Administrator for review prior to recording. The Zoning Administrator shall refer one (1) copy each to the: County Auditor, County Assessor, County Engineer, and County Board of Health offices. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Clayton County, as well as the State of Iowa, and submit their findings to the Zoning Administrator as soon as is possible, but within ten (10) days of receipt of the copy.

SECTION III EXEMPTIONS

Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:

1. A conveyance of land in forty-acre aliquot parts.
2. The division of land into burial lots in a cemetery
3. A conveyance of land or interest therein for use of right-of-way by a railroad or other public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private street or easement of access.
4. A conveyance of land or interest therein to adjoining property owner(s) of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
5. A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

**SECTION IV
WAIVER**

WAIVER OF RIGHT TO REVIEW

In appropriate cases where, because of its minimal scope, a proposed subdivision will have no appreciable impact on community development or the provision of public improvements or services, the plat review agent may approve a partial waiver of the procedure set forth in Section II(C) but is not required to. The plat review agent may also allow a waiver of a preliminary plat and final plat, and only require a plat of survey.

If the waiver of the right to review is granted, the plat review agent shall certify on the face of the instrument or by attaching a certification to the instrument, and shall promptly deliver the instrument to the Recorder.

However, the subdivision plat shall still conform to Chapter 354 and 355, Code of Iowa and shall not be accepted for recording unless accompanied by the attachments as described in Section 354.11, Code of Iowa.

**SECTION V
PLAT REVIEW AGENT**

The Board of Supervisors shall approve a Plat Review Committee, consisting of representation from the Offices of the Assessor, Auditor, Recorder and Zoning. In such capacity, the committee shall perform all duties assigned in this chapter and shall, in general, administer and enforce the provisions of this chapter. The Committee will appoint a plat review agent to have the authority to sign on behalf of the committee.

**SECTION VI
DEFINITIONS**

- A. For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory; the word may is permissive. Definitions given in the Clayton County Zoning Ordinance will have the same meaning and effect in this ordinance.
1. Acquisition Plat: The graphical representation of the division of land or rights in land, created as a 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.
 2. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fraction parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4), or one-quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.
 3. Alley or Lane: A public or private way not less than twenty (20) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
 4. Auditor's Plat: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.
 5. Board/Board of Supervisors: The Board of Supervisors of Clayton County, Iowa.
 6. Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
 7. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Clayton County, Iowa.

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8. Commission/Planning and Zoning Commission: The Clayton County Planning and Zoning Commission.
 9. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
 10. County: Clayton County, Iowa.
 11. County Assessor: The County Assessor for Clayton County
 12. County Auditor: The County Auditor for Clayton County
 13. County Board of Adjustments: The County Board of Adjustments for Clayton County
 14. County Engineer: The County Engineer for Clayton County
 15. County Recorder: The County Recorder for Clayton County
 16. County Treasurer: They County Treasurer for Clayton County
 17. Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.
 18. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
 19. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
 20. Division: Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of this Ordinance.
 21. Driveway: A private property access to a private or public street, road, alley, highway, or freeway. Driveways shall be built according to standards and locations set by County Engineer.
 22. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.
 23. Engineer: An engineer is a licensed civil engineer authorized and licensed to practice engineering in the State of Iowa.
 24. Final Plat: The map or drawing of a Major Subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.
 25. Forty-acre Aliquot Part: One-quarter of one-quarter of a section.
 26. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainage ways, sewers, water mains, wells, and other works and appurtenances.

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27. Land Division: A division or subdivision of a tract, which meets the following criteria:
 - a. No more than two (2) parcels are created.
 - b. No new parcel shall conflict with any provision of the County Zoning Ordinance and the County Subdivision Ordinance
 28. Lease: A contractual agreement by which an owner of real property (the lessor) gives the right of possession to another (a lessee) for a specific period of time (term) and for a specified consideration (rent).
 29. Lot of Record: A lot which is part of a subdivision which is recorded in the Clayton County Recorder's Office or a lot or parcel described by metes and bounds, the deed to which has been so recorded prior to the effective date of this Ordinance.
 30. Metes and Bounds: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
 31. Non-residential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
 32. Official Plat: An Auditor's plat or a subdivision plat that meets the requirements of the Code of Iowa and this chapter and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
 33. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
 34. Parcel: A part of a tract of land.
 35. 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 surveyor, in accordance with Chapter 354, Code of Iowa.
 36. Preliminary Plat: The map or drawing of a Major Subdivision in its final form which is submitted with its accompanying material to the County for approval.
 37. Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any lot or street layout on such map or area reserved thereon for public use or any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of this Ordinance.
 38. Right-of-way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes.
 39. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
 40. Street, Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.
 41. Street, Road, Alleys, Drive or Entrance (Secondary Road System): All property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the county system by the Board of Supervisors.
 42. Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

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43. **Subdivision:** Any vacant or improved land, that is divided or proposed to be divided into three (3) or more lots, parcels, sites, units, plots, by repeated or simultaneous division, for the purpose of sale, gift, lease, or development, including resubdivision. 'Subdivision' also includes the division or development of residential or non-residential zoned land.
- a. **Major Subdivision:** All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private streets, extension of local government facilities, or the creation of any public improvements.
- b. **Minor Subdivision:** Any subdivision of land which meets the following criteria:
1. Contains or creates not more than four (4) parcels fronting an existing road.
 2. No new road or street, or the extension of municipal facilities or the creation of any public improvements or the dedication of lands to the county,
 3. Not in conflict with any provision of the Comprehensive Plan, Zoning Ordinance, or this Ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this Ordinance.
- c. **Property Line Adjustment:** A division of one (1) or more lots or parcels which meets the following criteria:
1. No additional lots shall be created.
 2. No part of the divided parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
 3. No parcel shall conflict with any provision or portion of the County Zoning Ordinance and Subdivision regulation.
44. **Subdivision Agent:** Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision.
45. **Subdivision Plat:** The geographical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.
46. **Surveyor:** A licensed land surveyor authorized and licensed to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa.
47. **Tract:** An aliquot part of a section, a lot within an official plat, or a government lot.
48. **Zoning Administrator:** The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

SECTION VII SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and desirable neighborhood, and shall conform with design standards as approved by the Board of Supervisors.

A. GENERAL REQUIREMENTS

1. LAND SUITABILITY

No land shall be subdivided for residential purposes which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare

unless such unsuitable conditions are corrected to the satisfaction of the County.

- a. If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission may reaffirm, modify or withdraw its determination of unsuitability.
- b. No subdivision development will be allowed on land which is located within a floodplain area as designated as Zone A on the Flood Insurance Rate Map (FIRM) as provided by the Federal Emergency Management Agency (FEMA) unless an official survey is provided that shows the land is above the 100 year flood mark and a Letter of Map Amendment is provided by FEMA.
- c. Subdivisions (including mobile home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of a one hundred (100) year flood.
- d. For subdivisions greater than 20 acres, each lot shall be shown, and the total subdivision area shall have an average CSR rating not less than 20 or more than 65, unless it is demonstrated by the landowner that no known viable alternative exists for suitable development

2. STREETS

- a. Private Streets. Private streets, not dedicated to and accepted by the County, are allowed. If existing private streets are utilized, they shall be platted as such and be under the control of the subdivision, homeowners association, and/or subdivider.
- b. 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 a sixty six (66) foot right-of-way width, and in similar alignment, unless variations are recommended by the Planning and Zoning Commission and approved by the Board of Supervisors.
- c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Planning and Zoning Commission. In a case where a street will eventually be extended beyond the plan but is temporarily dead-ended, an interim turn-a-round shall be required.
- d. Street Intersections. Street intersections shall be as near to right angles as possible. The County shall require a minimum centerline offset of one hundred twenty-five (125) feet at intersections.
- e. Cul-de-sac. Whenever a cul-de-sac is permitted, the length of the cul-de-sac will be determined by the terrain and approved the County Engineer and shall be provided at the closed end with a turn-a-round having a street property line diameter of at least one hundred twenty (120) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-a-round shall be a minimum of sixty six (66) feet. The property line at the intersection of the turn-a-round and the lead-in portion of the street shall be rounded at the radius of not less than thirty (30) feet. A paved cul-de-sac without curb and gutter shall have a minimum paved diameter of eighty-two (82) feet with a minimum shoulder width of four (4) feet of rock. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of eighty-eight (88) feet measured from the back of curb to back of curb.
- f. Street Names. All newly platted streets shall be named in a manner consistent with the Clayton County E-911 System. A proposed street that is obviously in alignment with other

existing streets, or with a street that may be logically extended though the various portions be at a considerable distance from each other, shall bear the same name. New street names shall be subject to the approval of the Planning and Zoning Commission and Board of Supervisors so as to avoid duplication or similarity of names.

- g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area, and other natural features, which would lend themselves to attractive treatment.
- h. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- i. Easements.
 - (1) Easements for utilities, when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall not be less than fifteen (15) feet in total width. In the event that there exists an easement in an adjacent subdivision, the fifteen (15) foot requirement may be reduced to seven and a half (7.5) feet to allow for a minimum fifteen (15) foot total easement.
 - (2) Whenever a subdivision is traversed by a water course, channel, drainage way or stream, stormwater drainage structure, a stormwater easement or drainage easement may be required. The width of such easement shall be adequate for the anticipated drainage but not less than thirty (30) feet and shall be shown on the plat.
 - (3) Any lot that has no frontage upon a public or private street shall be provided with an easement for access to a public or private street. The width of such easement shall not be less than thirty-three (33) feet.
 - (4) Easements to the County for road purposes shall not be allowed.
- j. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning and Zoning Commission 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.
- k. Street Right-of-Way Width. The width of minor or residential street right-of-way shall not be less than sixty-six (66) feet.
- l. Street Alignments/Grades. Streets and alleys shall be completed to grades, which have been officially determined or approved by the Board of Supervisors. All streets shall be graded to within two (2) feet of the right-of-way and adjacent sides slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All street alignments, shall meet design criteria as specified in the current American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets.
- m. Culverts and Crossroad Drainage Structures. Driveway culverts shall be designed for a twenty-five (25) year flood and a minimum of eighteen (18) inches in diameter, or as may be approved by the County Engineer. Crossroad drainage structures shall be designed for a fifty (50) year flood, or a minimum of twenty-four (24) inches in diameter, or as may be approved by the County Engineer.

B. BLOCKS

1. No block shall be longer than one thousand three hundred twenty (1,320) feet.
2. At street intersections, block corners shall be rounded with a radius of not less than thirty (30) feet. However, where a curve radius has been previously established, such radius shall be used as standard if greater than thirty (30) feet.

C. LOTS

1. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.
2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway.
3. For the purpose of complying with minimum health standards and zoning requirements, the following minimum lot sizes shall be observed:
 - a. Lots which cannot be reasonably served by a public sanitary sewer system and public water supply mains shall have a minimum width of one hundred twenty-five (125) feet, measured at the building line, and an area of not less than forty three thousand five-hundred and sixty square feet (43,560) (1 acre) excluding ROW. On lots served by private on-site sewage disposal systems and private water supplies, the developer is encouraged to utilize a well-sharing system in order to maximize separation distances.
 - b. Lots, which are connected to a public water supply main or are connected to a public sanitary sewer system, shall have a minimum lot width and lot area as is established in the Clayton County Zoning Ordinance.
 - c. Lots, which are connected to a public water supply main and to a public sanitary sewer system, shall have a minimum lot width and lot area as is established the Clayton County Zoning Ordinance.
4. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

D. IMPROVEMENTS (All improvement costs shall be borne by the developer).

1. STREETS AND ROADS

In addition to Section VI(A)(2), all streets or roads shall meet AASHTO guidelines for rural road construction and:

- a. Shall have a traveled minimum surfaced roadway width of twenty-two (22) feet.
- b. Minimum street right-of-way shall be sixty six (66) feet wide
- c. Adequate design and maintenance of streets by the landowner/developer shall provide access for public service vehicles.

2. UTILITY SERVICE SYSTEMS

- a. Individual septic and wells shall be constructed according to State and County standards.
- b. Public sanitary sewers and water systems shall be installed within the street or right-of-way or established easements as required by the State and local ordinances.
- c. Gas mains shall be installed within the street right-of-way or an established easement.
- d. Electric and telephone lines shall be installed within the street right-of-way or established easements.

3. STORM DRAINAGE

- a. Adequate storm sewers and inlets shall be provided where necessary.
- b. Natural waterways shall be maintained and protected.

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- c. All stormwater facilities shall be subject to approval by the County Engineer and Board of Supervisors.
 - d. If the development covers an area of one (1) or more acres, the applicant must have the necessary Iowa Department of Natural Resources permit(s).

4. UTILITY LOCATIONS

- a. The proposed location, alignment and sizes of all utilities, whether underground or overhead, and the type of street construction shall be shown on the preliminary plat. Approval of the preliminary plat will form the basis for final designs of all improvements.
- b. All underground utilities to be located within the street right of way shall be constructed and service provided to each lot before paving of the street.

5. SIGNS AND TRAFFIC CONTROL DEVICES

To insure uniformity with Clayton County's street signage system, all street name signs and traffic control signs shall be erected in conformance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Clayton County E-911 System. The Developer will be responsible for all costs associated with sign erection. Maintenance of all signs will remain the responsibility of the developer until, or unless, the streets or roads are accepted into the Clayton County secondary road system.

6. MAILBOXES, INCLUDING NEWSPAPER BOXES

Mailboxes and mailbox construction shall conform to Clayton County Engineer and United States Postal Service standards.

7. PARKING

The depth and width of properties reserved and designed for residential, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Clayton County Zoning Ordinance.

E. FENCING REQUIREMENTS

- 1. At the time of approval of the preliminary plat, the subdivider shall agree to be responsible for the construction and maintenance of a fence on all land between the subdivision and any land adjoining the subdivision not owned by, or a part of the subdivision if adjoining land is currently in agricultural production. A required fence shall consist of the following:
 - a. Three rails of good substantial material fastened in or to good substantial posts not more than ten feet apart.
 - b. Three boards not less than six inches wide and three-quarters of an inch thick, fastened in or to good substantial posts not more than eight feet apart.
 - c. Three wires barbed with not less than thirty six iron barbs of two points each, or twenty six iron barbs of four points each, on each rod of wire, or of four wires, two thus barbed and two smooth, the wires to be firmly fastened to posts not more two rods apart, with not less than two stays between posts, or with posts not more than one rod apart without such stays, the top wire to be not more than fifty four nor less than forty eight inches in height.
 - d. Wire either wholly or in part, substantially built and kept in good repair, the lowest or bottom rail, wire or board not more than twenty, nor less than sixteen inches from the ground, the top rail, wire or board to be between forty eight and fifty four inches in height and the middle rail, wire or board not less than twelve nor more than eighteen inches above the bottom rail, wire or board.
 - e. A fence consisting of four parallel, coated steel, smooth high tensile wire which meets requirements adopted by the American society for testing materials, including but not limited to requirements relating to the grade, tensile strength, elongation, dimensions, and tolerances of wire. The wire must be firmly fastened to plastic, metal, or wooden posts securely planted in the earth. The posts shall not be more than two rods apart. The top wire shall be at least forty inches in height.

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- f. Any other kind of fence which the fence viewers consider to be equivalent to a lawful fence or which meets standards established by the department of agriculture and land stewardship by rule as equivalent to a lawful fence.

These fence standards shall be considered the minimum standards required by this ordinance.

At the time of sale of any portion, lot or tract of the subdivision, the recorded property owner shall assume the responsibility and maintenance of the required

F. **BLUFF PROTECTION**

No structure may be constructed beyond of the bluff line (as shown on subdivision plats). No single-family homes, multiple family dwelling units, or appurtenant structures may be constructed within a minimum of fifty feet (50) of the bluff line as shown on the Subdivision Plat. Notwithstanding the foregoing, lawn structures and open and/or screened porches and decks attached to single-family home, multiple-family home, multiple-family dwelling units and appurtenant structures may be located within the fifty foot (50) setback.

**SECTION VIII
PRELIMINARY PLAT**

A. **PRE-PRELIMINARY PLAN**

Each subdivider of land is encouraged to confer with the Zoning Administrator before preparing the preliminary plat in order to become familiar with County regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat may be presented at that time.

B. **REQUIREMENTS OF PRELIMINARY PLAT**

The sub-divider shall first prepare and file with the Zoning Administrator four (4) full size plans and eleven (11) 8.5" x 11" copies of a preliminary Plat of Survey of adequate size and scale so all features are easily readable showing all of the following:

1. Plat of Survey of adequate size and scale so all features are easily readable;
2. Legal description, acreage, title, scale, north point and date;
3. Proposed name of the subdivision which shall not duplicate lanes and streets, or resemble existing names in the county;
4. Names and addresses of the owner(s), sub-divider, builder, and engineer, surveyor, or architect who prepared the preliminary Plat of Survey, and the engineer, surveyor or architect who will prepare the final Plat of Survey;
5. Names of adjacent property owners;
6. Subdivision boundary lines, showing dimensions, bearings, angles and references to sections, townships and range lines, benchmarks or corners;
7. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces,;
8. Proposed layout of lots, showing number, dimensions, radii, chords and the square-foot areas of all lots;
9. Building setback or front yard lines;
10. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, streets, or other public, semipublic, or community purposes;
11. Present and proposed easements, showing locations, widths, purposes and limitations;
12. Present and proposed utility systems, including wells, sanitary and storm sewers other drainage facilities, water lines, gas mains, electric utilities, street lighting and other facilities, with the size, capacity, invert elevation and location of each;
13. Existing and proposed zoning of the proposed subdivision and adjoining property;
14. A general summary description of any protective covenants or private restrictions to be incorporated in the final Plat of Survey;
15. Contours at vertical intervals of not more than five feet if the general slope of the site is less than ten percent, and at vertical intervals of not more than ten feet if the general slope is ten percent or greater, unless the Commission waives this requirement.

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16. The grade percentage of all new driveways, streets and alleys.
 17. If applicable, the regulatory flood elevation data; limits of the one hundred-year floodplain boundaries, original and revised, must be shown.

C. REFERRAL OF PRELIMINARY PLAT

The Zoning Administrator shall refer one (1) copy each to the County Auditor, County Assessor, County Engineer, and County Board of Health. The developer or their agent shall provide one (1) copy of the preliminary plat to any City within two (2) miles of the subdivision for their comments and recommendations. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Clayton County and submit their findings to the Zoning Administrator as soon as possible.

D. ACCOMPANYING MATERIAL

1. Results of soil percolation tests or soil analysis on each lot made by the developer's engineer or certified septic installer shall accompany any plat that cannot feasibly be served by public sewer. Such tests shall be made in accordance with the Clayton County Board of Health requirements.
2. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area.

E. REVIEW BY THE PLANNING AND ZONING COMMISSION

1. Upon receipt of the report from the various offices referred to in Section VIII(C) above, as soon as possible, but not more than sixty (60) days after initial receipt of the plat by the Zoning Administrator, the Planning and Zoning Commission 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 Planning and Zoning Commission shall give written reasons therefore. The preliminary plat may require more than one (1) Planning and Zoning Commission review.
2. Before considering a preliminary plat, the Planning and Zoning Commission may at its discretion 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.

F. REVIEW BY THE BOARD

1. The Board of Supervisors shall then take action upon the preliminary plat, certifying its approval or disapproval. In case of disapproval, the Board shall give written reasons therefore. If approved, the preliminary plat shall be certified by resolution.
2. The approval of the preliminary plat by the Board of Supervisors does not constitute acceptance of the subdivision, but shall authorize the developer to proceed with the preparation of the final plat.
3. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval, except upon application for and approval of an extension of such period of validity, by the Board of Supervisors.

SECTION IX
FINAL PLAT

The sub-divider shall, within twelve months of the conditional approval of the preliminary plat by the Commission, prepare and file five (5) large full sets and eleven (11) copies (8.5" X 11") or larger of the final plat and other required documents with the Zoning Administrator as set forth in this chapter. Upon their failure to do so within the time specified, the "conditional approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Commission.

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. The Zoning Administrator shall transmit one full size set to the County Engineer, the County Auditor, County Recorder, and Clayton County E-911. The developer or their agent shall provide one (1) copy of the final plat to any City within two (2) miles of the subdivision for their comments and recommendations. If approved, each shall return the final sub-division plat with a signed recommendation, before submission to the Commission.

A. REQUIREMENTS OF FINAL PLAT

Final plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted. The plat shall be drawn to the scale of not more than one hundred feet to one inch in permanent ink. It shall show:

1. The final plat shall be of adequate size and scale so all features are easily readable with permanent ink
2. The title under which the subdivision is to be recorded;
3. The date of the document, approximate true north arrow and the scale of the plat.
4. The names and addresses of the owner(s) of the land, the developer, if other than the owner(s), and the engineering firm or surveying firm that prepared the final plat.
5. The location by section, township, range, county and state and including descriptive boundaries of the Subdivision, based on accurate traverse, giving angular and linear dimensions which must mathematically close.
6. The exact location and layout of lots and private streets with all other information necessary to reproduce the plat on the ground.
7. The location of all existing and new streets within the Subdivision.
8. The names and right-of-way width of all existing and new streets within the Subdivision.
9. The lot number, dimension, area and building lines of each lot within the Subdivision.
10. The location and width of all easements shall be clearly identified
11. A certificate signed by a licensed land surveyor
12. A correct description of the subdivision land;
13. If within 2 miles of the corporate limits of a city that has extended its 2-mile territorial application as per Code of Iowa Section 354.9, an approving resolution from the city.

B. ACCOMPANYING MATERIAL

1. A certified statement from the owner and 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 spouse.
2. Copy of all restrictive covenants to be attached to the lots of the subdivision
3. Any dedication or easement to the County for any property intended for public use.
4. A proposed schedule of improvements to be made.
5. Any other attachments that are required by the Code of Iowa.
 - a. Attorney's title opinion
 - b. Treasurer's certificate of property taxes
 - c. Auditor's statement approving the name of the subdivision
 - d. Mortgage holder's consent and/or partial release if applicable

C. REVIEW BY THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall review the final plat in the same manner that they addressed preliminary plats, Section VIII and forward its recommendation to the Board of Supervisors.

D. ACTION BY THE BOARD

1. Upon receipt of the final plat and the required documents from the Commission, the Board will consider the recommendations of the reviewing offices. The Board shall approve or disapprove the final plat by resolution.
2. The Board may refuse to approve any plats for proposed subdivisions, which include improvements, or facilities that are subject to regulations and ordinances of the County Board of Health unless such improvements or facilities have been approved by that Department. The Board may disapprove a final plat for lots to be served by residential on-site sewage treatment systems, which includes any lot having an area less than the minimum area required by such applicable regulations and ordinances. In case of disapproval, the Board shall give written reasons therefore.
3. The passage of a resolution by the Board accepting the plat shall constitute final platting approval of the area shown on the final plat. The subdivider or owner shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the County shall recognize the plat as being in full force and effect.

E. IMPROVEMENTS

1. All standards and improvements described in Section II shall be installed at the cost of the developer in accordance with the approved plans and specifications after acceptance of the final plat by the Board of Supervisors.
2. Subdivisions may be developed in phases.

**SECTION X
MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES**

- A. If classified as a "minor plat" by the Zoning Administrator, a copy of the proposed minor subdivision plat shall be prepared and submitted to the Zoning Administrator, said plat shall contain such information as required by this Ordinance or as may be specified by the Zoning Administrator.
- B. If the Zoning Administrator shall determine that the "Minor Subdivision Plat" contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall forward copies of the submitted plat to the County Engineer, County Board of Health, County Auditor, County Assessor, and to such other agencies or persons as he may deem appropriate and necessary. The developer or their agent shall provide one (1) copy of the minor plat to any City within two (2) miles of the subdivision for their comments and recommendations. Minor plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted.
- C. Review by Agencies. Within twenty (20) working days following receipt of an application by the Zoning Administrator:
1. The County Engineer shall notify the Zoning Administrator that access onto the county road will, or will not, be granted and that other improvements do, or do not, conform to current standards.
 2. The County Board of Health shall notify the Zoning Administrator that the land so proposed to be subdivided is or is not suitable for the utilization of on-site sewage disposal systems or that sanitary sewers or other alternative systems of sewage disposal comply with all applicable Clayton County and State of Iowa standards, and that the proposed or existing system of water supply complies with applicable Clayton County and State of Iowa standards.
 3. Other agencies or persons shall notify the Zoning Administrator upon factors deemed appropriate and necessary.
- D. Within forty (40) working days following the date of receipt of an application, or such additional period as the subdivider may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request

with the Board of Supervisors.

- E. The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to making consideration of the request. In any case, the Board shall approve or disapprove the minor plat by resolution. If disapproved, the Board shall provide written reasons therefore.
- F. Limitations: This section shall not be applicable to a parcel of land of any size which has previously had a subdivision severed from it. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the Clayton County Auditor's plat books as of the effective date of the original Ordinance (1970).

**SECTION XI
ISSUANCE OF ZONING CERTIFICATES**

No Building Certificates shall be issued in the subdivision prior to the time that the streets and easements affecting such lot are brought to the grade established in the construction plans.

**SECTION XII
FEES**

Non-refundable fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the Board of Supervisors. Said fees shall include, but not be limited to, the following:

- A. Major Subdivisions.
- B. Minor Subdivisions.
- C. Re-Subdivision, lot amendment, or road amendment
- D. Recording Fees, per a schedule on file in the County Recorder's Office.

A copy of the Schedule of Fees shall be on file with the Zoning Administrator.

**SECTION XIII
VARIATIONS 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 substantial hardships or injustices, the Board of Supervisors upon recommendation of the Planning and Zoning Commission, may vary or modify such requirements to allow the subdivider to develop his 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 variances and/or exceptions that are intended to mitigate any real or perceived negative side effects of the plat on its surrounding.

**SECTION XIV
ENFORCEMENT**

- A. After the date of adoption of this Ordinance, no plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- B. No road hereafter created in the unincorporated area of Clayton County shall become a part of any road system as defined in Chapter 306 of the Code of Iowa; and no improvements shall be made by Clayton County, nor shall Clayton County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of this Ordinance unless such road or other facility shall have been first approved by the Board of Supervisors in accordance with the provisions of this Ordinance and the dedication thereof accepted as a public road or improvement.
- C. Clayton County shall not issue Zoning Certificates for any structure located on a lot in any subdivision developed after the date of adoption of this Ordinance that is located within the County unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.
- D. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a County Infraction, the conviction of which shall constitute a misdemeanor authorizing a fine of not more than one hundred dollars (\$100) or imprisonment for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clayton County from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION XV
SUBDIVISION ORDINANCE CHANGES AND AMENDMENTS**

Any provisions 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 Planning and Zoning Commission in accordance with the provisions of Clayton County and the Code of Iowa.

**SECTION XVI
REPEALER**

Any ordinance, resolution, policy, or part thereof, which conflicts with the provisions contained herein is hereby repealed.

**SECTION XVII
SEVERABILITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, that 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.

SECTION XVIII
EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication.

The notice of public hearings was published in the Clayton County Register, Gutenberg Press and The Outlook on October 24, 2007, for hearings to be held on October 31, 2007 and November 7, 2007. The amended ordinance was adopted for passage on November 7, 2007.

Chair
Clayton County Board of Supervisors

Date

Attest:

Clayton County Auditor

Date