

CLAYTON COUNTY ORDINANCE #11-2020

SUBDIVISION REGULATIONS

SECTION 1. TITLE

The following ordinance shall be known as the "Clayton County, Iowa Subdivision Ordinance".

BE IT ENACTED by the Board of Supervisors, Clayton County, Iowa.

SECTION 2. PURPOSE

The purpose is to establish minimum standards for the design, development and improvement of all new subdivisions or re-subdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety, and general welfare in Clayton County, Iowa. This Ordinance is permitted and authorized in Iowa Code Chapter 354, as amended.

SECTION 3. 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. Definitions given in the Clayton County Zoning Ordinance will be honored 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:** The Board of Supervisors for Clayton County.
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.
8. **Commission:** The Planning and Zoning Commission for Clayton County.
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 Assessor:** The County Assessor for Clayton County.
11. **County Auditor:** The County Auditor for Clayton County.
12. **County Board of Adjustments:** The County Board of Adjustments for Clayton County.
13. **County Engineer:** The County Engineer for Clayton County.
14. **County Recorder:** The County Recorder for Clayton County.
15. **County Treasurer:** The County Treasurer for Clayton County.
16. **Cul-de-sac:** A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

17. **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.
18. **Development:** Any manmade 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.
19. **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.
20. **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.
21. **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.
22. **Engineer:** An engineer is a licensed civil engineer authorized to practice engineering in the State of Iowa.
23. **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.
24. **Forty-acre Aliquot Part:** One-quarter of one-quarter of a section.
25. **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.
26. **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.
27. **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).
28. **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.
29. **Metes and Bounds:** The method used to describe a tract of land that uses distance and angles, distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
30. **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.
31. **Official Plat:** An Auditor's plat or a subdivision plat that meets the requirements of the Code of Iowa and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
32. **Owner:** The legal entity holding title to the property being subdivided, or such representative or Committee as is fully empowered to act on its behalf.
33. **Parcel:** A part of a tract of land.
34. **Plat of Survey:** The graphical representation of a survey of one (1) 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.
35. **Preliminary Plat:** The map or drawing of a Major Subdivision which is submitted with its accompanying material to the County for approval.
36. **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.
37. **Right-of-way:** The land area the right to possession of which is secured or reserved by the contracting authority for road purposes.

- 38. **Street Line:** A dividing line between a lot, tract or parcel of land and a contiguous street.
- 39. **Street, Road, Alleys, Drive 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.
- 40. **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.
- 41. **Sub-divider:** The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
- 42. **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.
 - 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 Regulations.
- 43. **Subdivision Committee:** Any person who represents, or acts for or on behalf of a sub-divider 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.
- 44. **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.
- 45. **Surveyor:** A licensed land surveyor authorized to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa.
- 46. **Tract:** An aliquot part of a section, a lot within an official plat, or a government lot.
- 47. **Zoning Administrator:** The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

SECTION 4. PLATTING

- 1. Plats within two (2) miles of a city or town. In the event a Subdivision is located within two (2) miles of the corporate limits of a city, 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.
- 2. 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 Board, as prescribed by this Ordinance and by the City Council of that city.
- 3. Every owner of any tract or parcel of land who has subdivided or hereafter subdivides or plats the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage, or suburban lots within the County, shall cause plats of such area to be made in the form, and containing the information set forth in this Ordinance before selling any lots therein contained or placing the plat of record.

4. Any division of a tract or parcel of land which contains lots to be used for agricultural purposes, which contains no new development lots, and which contains no land set aside for new streets, alleys, parks, open areas, school property or public use, may be designated an agricultural plat providing the land is located in an area zoned A-1 Agricultural.
 - a. An agricultural plat may include a lot containing the farmstead dwelling being split from the farm.
 1. No tract or parcel shall be permitted to be used for any purposes other than non-residential agricultural purposes, unless there has been compliance with the terms of this ordinance.
 - b. Agricultural plats shall be exempt from the requirements of this subdivision ordinance.
 - c. Agricultural plats shall contain the following notation:

NOTE: This plat is for agricultural purposes only and is not intended for development, except in conformity with the Clayton County, Iowa Zoning Ordinance and Subdivision Ordinance.

SECTION 5. PLAT REVIEW COMMITTEE

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 administer, enforce, and perform all duties assigned in this ordinance. The Committee will appoint a plat review agent to have the authority to sign on behalf of the committee.

SECTION 6. PROCEDURES

1. Before any division of land, the individual should submit, at minimum, a preliminary plat with the Plat Review Committee. The Plat Review Committee will advise the individual if they need to submit an Application for Land Division. 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.
2. The Zoning Administrator will determine upon review if the proposed subdivision will be classified as a major or a minor subdivision.
 - a. If it is determined to be a minor subdivision, 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.
 - b. The Board of Supervisors may approve or disapprove of the minor subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to making consideration of the request. If disapproved, the Board shall provide written reasons therefore.
3. The procedure for approval of a property line adjustment, shall consist of:
 - a. Instrument of transfer approved by County Auditor;
 - b. Review and Waiver by Plat Review Committee.
4. 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 7. PRELIMINARY PLAT REQUIREMENTS

The sub-divider shall first prepare and file with the Zoning Administrator, paper or electronic, 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. Legal description, acreage, title, scale, north arrow and date;
2. Proposed name of the subdivision which shall not duplicate lanes and streets, or resemble existing names in the county;

3. 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;
4. Names of adjacent property owners;
5. Subdivision boundary lines, showing dimensions, bearings, angles and references to sections, townships and range lines, benchmarks or corners;
6. 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;
7. Proposed layout of lots, showing number, dimensions, radii, chords and the square-foot areas of all lots;
8. Building setback or front yard lines;
9. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, streets, or other public, semipublic, or community purposes;
10. Present and proposed easements, showing locations, widths, purposes and limitations;
11. 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;
12. Existing and proposed zoning of the proposed subdivision and adjoining property;
13. A general summary description of any protective covenants or private restrictions to be incorporated in the final Plat of Survey;
14. Contours at vertical intervals of not more than five (5) feet if the general slope of the site is less than ten (10) percent, and at vertical intervals of not more than ten (10) feet if the general slope is ten (10) percent or greater, unless the Commission waives this requirement.
15. The grade percentage of all new driveways, streets and alleys.
16. If applicable, the regulatory flood elevation data; limits of the base flood elevation boundaries, original and revised, must be shown.

SECTION 8. ACCOMPANYING MATERIAL TO PRELIMINARY PLAT

For the development of a major subdivision, the following additional requirements may be necessary:

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.

SECTION 9. REFERRAL OF PRELIMINARY PLAT

The developer or their committee shall provide one (1) copy of the preliminary plat to any City within two (2) miles of the subdivision for their comments and recommendations and to the County Zoning Administrator who shall refer copies to each of the following County Departments:

1. County Engineer. The County Engineer shall carefully examine the preliminary plat and 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. County Environmental Health. The Environmental Health Administrator shall notify the Zoning Administrator that the land proposed to be subdivided is or is not suitable for the utilization of on-site sewage disposal systems in accordance with Clayton County and State of Iowa standards. The proposed or existing water supply system complies with applicable Clayton County and State of Iowa standards.
3. County Auditor, County Assessor, and other agencies or persons shall examine the plat as to its compliance with the laws and regulations of Clayton County.

Each of the aforementioned offices shall submit their findings to the Zoning Administrator within ten (10) working days of receipt of copy.

SECTION 10. PRELIMINARY REVIEW BY THE PLANNING AND ZONING COMMISSION

1. Upon receipt of the report from the various offices, not more than sixty (60) days thereafter, the Planning and Zoning Commission shall review said plat, consider said reports, negotiate with the sub-divider 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.

SECTION 11. FINAL PLAT

The sub-divider shall, within twelve (12) months of the conditional approval of the preliminary plat by the Commission, prepare eleven (11) copies (8.5" X 11") or of adequate size and scale so all features are easily readable of the final plat and other required documents with the Zoning Administrator as set forth in this section. 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 (1) full size set to the County Engineer, the County Auditor, County Recorder, and Clayton County E-911. The developer or their Committee 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 subdivision plat with a signed recommendation, before submission to the Commission.

SECTION 12. REQUIREMENTS OF FINAL PLAT

The final plat shall be drawn to the scale of not more than one hundred (100) feet to one (1) inch in permanent ink. It shall show:

1. The title under which the subdivision is to be recorded;
2. The date of the document, approximate true north arrow and the scale of the plat;
3. 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;
4. 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;
5. The exact location and layout of lots and private streets with all other information necessary to reproduce the plat on the ground;
6. The location of all existing and new streets within the Subdivision.;
7. The names and right-of-way width of all existing and new streets within the Subdivision;
8. The lot number, dimension, area and building lines of each lot within the Subdivision;
9. The location and width of all easements shall be clearly identified;
10. A certificate signed by a licensed land surveyor;
11. A correct description of the subdivision land;
12. If within two (2) miles of the corporate limits of a city that has extended its two (2) mile territorial application as per Code of Iowa Section 354.9, an approving resolution from the city.

SECTION 13. ACCOMPANYING MATERIAL TO FINAL PLAT

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. 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.

SECTION 14. FINAL 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 Environmental Health Administrator. 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 15. FINAL 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, and forward its recommendation to the Board of Supervisors.

SECTION 16. ACTION BY THE BOARD

1. Upon receipt of the final plat of a major subdivision and the required documents from the Commission, or a final plat of a minor subdivision and the required documents from the Zoning Administrator, 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 onsite 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 notice 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 sub-divider 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.

SECTION 17. IMPROVEMENTS

1. All standards and improvements described in Section 4 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 18. GENERAL REQUIREMENTS

The following general requirements shall be followed by all sub-dividers:

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 sub-divider an opportunity to provide further data. 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 Base Flood Elevation (BFE) and a Letter of Map Amendment is provided by FEMA.
- c. Subdivisions (including mobile home parks) 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 and above the BFE.
- d. For subdivisions greater than twenty (20) acres, each lot shall be shown, and the total subdivision area shall have an average Corn Suitability Rating (CSR) not less than twenty (20) or more than sixty-five (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 sub-divider.
- 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 turnaround 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 by the County Engineer and shall be provided at the closed end with a turnaround 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 turnaround shall be a minimum of sixty-six (66) feet. The property line at the intersection of the turnaround 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. Any new street name shall not bear the same name as said subdivision.
- 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, storm water drainage structure, a storm water 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 sub-divider, 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.
3. Blocks.
- a. No block shall be longer than one thousand, three hundred twenty (1,320) feet.
 - b. 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 greater than thirty (30) feet.
4. Lots.
- a. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.
 - b. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway.
 - c. For the purpose of complying with minimum health standards and zoning requirements, the following minimum lot sizes shall be observed:
 - d. 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 (43,560) square feet, one (1) acre excluding the Right of Way (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.

- e. 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 established in the Clayton County Zoning Ordinance.
 - f. 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 established in the Clayton County Zoning Ordinance.
 - g. 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.
5. Improvements. All improvement costs shall be borne by the developer.
6. Streets and Roads.
- a. All streets or roads shall meet American Association of State Highway Transportation Officials (AASHTO) guidelines for rural road construction and:
 - b. Shall have a traveled minimum surfaced roadway width of twenty-two (22) feet.
 - c. Minimum street right-of-way shall be sixty-six (66) feet wide. Adequate design and maintenance of streets by the landowner/developer shall provide access for public service vehicles.
7. 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.
8. Storm Drainage.
- a. Adequate storm sewers and inlets shall be provided where necessary.
 - b. Natural waterways shall be maintained and protected.
 - c. All storm water 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).
9. 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.
10. 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.
11. Mailboxes, Including Newspaper Boxes. Mailboxes and mailbox construction shall conform to Clayton County Engineer and United States Postal Service standards.
12. 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.
13. Fencing Requirements. At the time of approval of the preliminary plat, the sub-divider 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 (3) rails of good substantial material fastened in or to good substantial posts not more than ten (10) feet apart;

- b. Three (3) boards not less than six (6) inches wide and three-quarters (3/4) of an inch thick, fastened in or to good substantial posts not more than eight (8) feet apart;
 - c. Three (3) wires barbed with not less than thirty-six (36) iron barbs of two (2) points each, or twenty-six (26) iron barbs of four (4) points each, on each rod of wire, or of four (4) wires, two (2) thus barbed and two (2) smooth, the wires to be firmly fastened to posts not more two (2) rods apart, with not less than two (2) stays between posts, or with posts not more than one (1) rod apart without such stays, the top wire to be not more than fifty-four (54) nor less than forty-eight (48) 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 (20), nor less than sixteen (16) inches from the ground, the top rail, wire or board to be between forty-eight (48) and fifty-four (54) inches in height and the middle rail, wire or board not less than twelve (12) nor more than eighteen (18) inches above the bottom rail, wire or board;
 - e. A fence consisting of four (4) 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 (2) rods apart. The top wire shall be at least forty (40) inches in height;
 - 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;
 - g. 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.
14. 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 (50) feet 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 (50) foot setback.

SECTION 19. ISSUANCE OF BUILDING PERMITS

No building permits shall be issued in the subdivision prior to the time that the streets and easements affecting such lot(s) are brought to the grade established in the construction plans.

SECTION 20. 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 the Board. A copy of the Schedule of Fees shall be on file with the Zoning Administrator. Said fees shall include, but not be limited to, the following:

- 1. Major Subdivisions;
- 2. Minor Subdivisions;
- 3. Re-Subdivision, lot amendment, or road amendment;
- 4. Recording Fees, per a schedule on file in the County Recorder's Office.

SECTION 21. 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 (40) 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 22. 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 Committee may approve a partial waiver of the procedure set forth in Sections 4 and 5 but is not required to. The Plat Review Committee 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 Committee shall certify on the face of the instrument or by attaching a certification to the instrument, and shall promptly deliver the instrument to the County 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 23. VARIANCES

Where, in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Adjustment may vary, modify, or waive the requirements so that justice may be done and the public interest secured. Provided, however, that such a variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. In no case shall any variance or modification be more than the minimum easing of the requirements and in no instance shall it be in conflict with the Zoning Ordinance, and such variances and waivers may be granted only by the affirmative vote of sixty percent (60%) of the members of the Board of Adjustment.

SECTION 24. ENFORCEMENT

1. 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.
2. 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.
3. 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 25. 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 26. 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 27. EFFECTIVE DATE

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

PASSED AND APPROVED this 7th day of July, 2020.

/s/ Ray Peterson, Chairperson, Board of Supervisors

Attest: /s/ Jennifer Garms, Clayton County Auditor

First Reading: June 30, 2020
Second Reading: July 7, 2020
Third Reading: Waived
Approved: July 7, 2020
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