



CLINTON COUNTY, IOWA'S  
*Subdivision Regulations*

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ORDINANCE # 99-03

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS THAT  
THE REGULATIONS OF THE CLINTON COUNTY SUBDIVISION ORDINANCE  
ARE AMENDED AS FOLLOWS.

# Subdivision Regulations of Clinton County, Iowa

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# CHAPTER I: PURPOSE AND JURISDICTION

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**1.1 PURPOSE.** The purpose of these regulations is to provide rules and regulations for the subdivision of land within the unincorporated areas of Clinton County, Iowa; and to prescribe minimum standards for the design and development thereof; for the purpose of promoting the safety, health and general welfare of the public and to facilitate the adequate provision of transportation, water, sewage and other public requirements.

**1.2 TITLE.** These regulations shall be known and may be referred to as the Clinton County Subdivision Ordinance.

**1.3 JURISDICTION.** All division or subdivision of land into two or more parts in the unincorporated areas of Clinton County, unless specifically exempted by these regulations, shall be submitted to the County in accordance with the procedures established in Chapter II, and shall be subject to the requirements established herein; and in Chapters 354 and 355 of the Code of Iowa.

All subdivisions of land that are within the jurisdiction of any incorporated community having a Planning & Zoning Commission shall be subject to the procedures and requirements of such community as well as the requirements established herein.

**1.4 GENERAL APPLICATION OF REGULATIONS.** The provisions of these regulations shall apply to the division of any original parcel of land, 40 acres or part thereof, entered of record in the office of the County Recorder as a single lot or parcel, on or before the effective date of these regulations (May 8, 1964) into two or more lots or parcels, any one of which is less than 35 acres.

## **1.5 INTERPRETATION AND CONFLICT.**

**1.5.1 Higher Standards** - The County may require higher standards than established by ordinance if required for a specific site by reason of topography, hydrology, parcel shape, infrastructure limitations or compatibility with planned uses on adjacent parcels.

**1.5.2 Overlapping Standards** - Where there are multiple standards, the more specific or stringent shall take precedence.



## 1.6 RESPONSIBILITIES.

**1.6.1 Administrator.** The Clinton County Zoning Administrator, hereinafter referred to as “the Administrator,” shall have the following responsibility and authority under these regulations:

- A. To administer the Subdivision Regulations;
- B. To serve as staff for the Planning & Zoning Commission and the Board of Supervisors;
- C. To review and render interpretations to all provisions of these regulations;
- D. To recommend amendments to these regulations;
- E. To accept applications for, review and prepare staff reports recommending approval, approval with conditions or denial of applications, subject to these regulations;
- F. To review and approve, approve with conditions or deny applications for lot line adjustments and divisions of land pursuant to Section 2.4;
- G. To review and approve, approve with conditions or deny applications for Construction Plan approval pursuant to Section 2.2.4.

**1.6.2 Planning & Zoning Commission.** The Planning & Zoning Commission shall have the following responsibilities under these regulations in addition to any other authority granted by state law.

- A. To recommend amendments to these regulations;
- B. To recommend action on requests for waivers to improvement standards.
- C. To recommend action on variances to design standards.
- D. To recommend action on concept plans and applications.
- E. To recommend action on preliminary plat applications.
- F. To recommend action on final plat applications.
- G. To recommend action on abandonments for easements or rights-of-way.
- H. To recommend action on subdivision variance requests.

**1.6.3 Board of Supervisors.** The Board of Supervisors shall have the following responsibilities under these regulations, in addition to any other authority granted by state law:

- A. To decide text amendments to these regulations.
- B. To decide on requests for waivers to improvement standards.





- C. To extend or revoke development approvals.
- D. To decide on concept plan applications.
- E. To decide on preliminary plat applications.
- F. To decide on subdivision improvement agreements.
- G. To decide on final plat applications.
- H. To decide on applications for vacation of easements or right-of-way.
- I. To decide on requests for variances from subdivision regulations.

**1.7 COORDINATION WITH OTHER REGULATIONS AND PLANS.** The subdivision and development of land within the County shall be subject to all other applicable provisions of the Clinton County ordinances as well as these regulations, whether or not such other provisions are specifically cross-referenced in this ordinance. Cross references to other ordinances in this ordinance are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other ordinances do not apply.

In interpreting and applying the provisions of this ordinance, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or the general welfare. Minimum values are not intended to be target values. In some instances, topography or other conditions may create the need to exceed stated minimum standards. Whenever this ordinance requires a lower height of a building or lesser number of stories, or requires a greater percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this ordinance shall govern.

**1.7.1 Consistency with Master Plan.** These Regulations are intended to implement the goals and policies of the Master Plan, and is hereby deemed to be consistent with the adopted Master Plan for the County. Any actions pursuant to these regulations and amendments or changes to these regulations shall be consistent with the Master Plan.

An amendment to the text of this ordinance is consistent with and in accordance with the Master Plan if it complies with the goals and policies stated in the plan.

Where development is permitted under the regulations that predate these regulations, such development shall not be deemed inconsistent with the Master Plan.

**1.7.2 Conflicts.** Whenever any provision of these regulations or any other applicable law, rule, contract, resolution or regulation of the City, County, State or Federal government contains



certain standards covering the same subject matter, the more restrictive requirements or higher standards shall govern.

**1.7.3 Development under Prior Regulations.** Development under prior regulations shall be allowed, provided a valid approval has been granted by the County and said permit has not expired. Any approval issued by the County under prior regulations shall expire 12 months after adoption of these regulations unless renewed by the County.

## CHAPTER II: PROCEDURES

### 2.1 GENERAL PROCEDURES.

2.1.1 Notice Required. Notice shall be required as described in Exhibit 2.1.

**Exhibit 2.1: Notice Requirements**

Application	Required Notice		Action		
	Personal	Published	Staff	Zoning Commission	Board of Supervisors
Sketch Map			D		
Concept Plan	✓	✓	R	R	D
Preliminary Plat	✓	✓	R	R*	D*
Construction Plans			D	A	
Final Plat		✓	R	R	D
Minor Subdivision		✓	R	R	D
Lot Line Adjustment/Division of Land			D	A	
Vacations	✓	✓	R	R	D
Variance	✓	✓	R	R	D
Development Improvement Agreements			R	R	D

R = Review/recommending body

D = Decision making body

A = Appeals body

(\*Amended 11/22/2000-Ord 2000-06)

### 2.1.2 Types of Notice.

#### A. Personal Notice of Public Hearing.

- Whenever personal notice of a public hearing is required by these Regulations to be sent to surrounding landowners, notice shall be sent by the Administrator at the applicant's cost by U.S. mail at least 15 days before the hearing to each current owner of real property, as listed in the official records of the Clinton County, Iowa Assessor, located within 500 feet of the exterior boundary of the property in question unless otherwise specified by these Regulations. If the matter to be considered is an appeal, notice shall be provided to all parties to the appeal, including interested parties.



2. Not less than 20 days prior to the public hearing, the applicant shall provide the information required for the personal notice, including a list of the current owners of record of the real property located within 500 feet of the exterior boundary of the property in question.
3. The responsibility for supplying names and addresses for personal notice to all surrounding landowners lies solely with the applicant for development approval.
4. Personal notice shall be in letter form stating the date, time and place of the hearing, a general description of the proposal, the location of the property which is the subject of the hearing and other such requirements as further specified in these Regulations. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing.
5. The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.

**B. Published Notice.** Except as otherwise specifically provided in these Regulations, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property must be published once at least 15 days prior to the hearing in a newspaper of general circulation throughout the County. Not less than 20 days prior to the public hearing, the applicant shall provide the information required for the notice to the Administrator who shall be responsible for preparing the notice for publication.

**C. Notice of Final Determination.** Within 10 days of the date of a final determination on the development application, written notification of the decision shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for the decision to deny the application shall be included.

**2.1.3 Substantial Compliance Required.** Notice shall be deemed to be complete where there is substantial compliance with the requirements of this section. Minor technical deviations in the language or format of notice shall not be deemed to impair the notice where notice has been given. When there is a question raised at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirement of these Regulations.



**2.1.4 Notification of Appeal or Revocation.** Whenever an appeal is taken from a final decision, or whenever the County determines to revoke a development permit which was obtained following a public hearing, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by this Section. If no public hearing was held prior to obtaining the development permit, personal notice of revocation shall be given only to the holder of the permit.

**2.1.5 Costs of Notice.** All actual costs incurred by the County in preparing and publishing the notice required by these Regulations shall be paid by the applicant prior to publication or mailing of such notice according to a schedule of fees established by the Board of Supervisors.

**2.1.6 Public Hearing Procedures.**

**A. Setting of the Hearing.** When the Administrator determines that a permit application is complete and that a public hearing is required by these Regulations, the Administrator shall select a place, date and a time certain for the required hearing, and shall cause notice of such hearing to be prepared and made pursuant to Section 2.1.2-B of the these regulations.

**B. Purpose of Hearing.** The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

**C. Conduct of Hearing.**

1. Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization.
2. The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. At the chairperson's discretion, any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairperson of the body conducting the hearing. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public. The order of proceedings shall be as follows:
  - a. The Zoning Administrator or appropriate staff member shall present a description of the proposed development and initial findings concerning the application's compliance with these Regulations.
  - b. The applicant shall present any information that the applicant deems appropriate;



- (1) Public testimony shall be heard first in favor of the proposal, then in opposition to it;
- (2) The Administrator or other staff member may respond to any statement made by the applicant or any public comment;
- (3) The applicant may respond to any testimony or evidence presented by the staff or public; and
- (4) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

**D. Record of Proceedings.** The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Board of Supervisors may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the Administrator and payment of a fee set by the Board of Supervisors to cover the cost of duplication of the record.

**E. Continuance of Proceedings.**

1. Any applicant or authorized agent of an applicant shall have the right to one continuance before the Planning & Zoning Commission or Board of Supervisors, provided that a written request is filed with the Administrator.
2. An applicant requesting a continuance shall make reasonable efforts, through personal notice, to notify all persons previously advised of the application and hearing that a continuance has been requested. The applicant (at his/her cost) shall also cause notice of the rescheduled public hearing in the same form required for the initial hearing.
3. The Planning & Zoning Commission or Board of Supervisors may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance.
4. The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.
5. If the Planning & Zoning Commission or Board of Supervisors, continues a public hearing on its own motion, it may direct the Administrator or appropriate department to renotify property owners. If the continuance of a public hearing is made at the request of an applicant, the Planning & Zoning Commission or Board of Supervisors may direct the applicant to renotify property owners.



### 2.1.7 Post Decision Procedures.

- A. Appeals from Final Decision.** Any appeal to a final action by the Board of Supervisors or Planning & Zoning Commission shall be filed within 30 days of the decision date of the action being appealed.
- B. Appeals to Administrative Decisions.** Any person, including any officer or agency of Clinton County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Administrator may appeal such final determination pursuant to Section 9.3.8 of the Zoning Ordinance.
- C. Amendments and Revisions to Approval.**
  - 1. The Administrator may approve minor revisions to the terms of approval of an application for development. Minor revisions must be authorized in writing by the Administrator and are subject to appeal to the Zoning Board of Adjustment pursuant to Section 9.3.8 of the Zoning Ordinance. Minor revisions that may be authorized are limited to those that are necessary in light of technical considerations discovered after the decision on the development application by the applicant or the Administrator.
    - a. Minor amendments shall include the following changes:
      - (1) Changes in the internal alignment of roads that do not affect external properties;
      - (2) Changes in boundaries to parcels that do not abut external property lines;
      - (3) Changes in setbacks along internal property lines; and
      - (4) Changes in the routing of trails and pedestrian ways.
    - b. No minor change authorized in this section may cause any of the following:
      - (1) Change in the permitted uses or of development character;
      - (2) Increased intensity of use as measured by the number of dwelling units or square feet of non-residential building area;
      - (3) Increased trip generation or demand for public utilities;
      - (4) Decreased public or private open space area; or
      - (5) Increased volume or velocity of stormwater runoff from the development.
  - 2. If the holder of an approved application for a development permit requests a revision that the Administrator determines is not a minor revision, approval of the revision by



the original final decision-maker is required in accordance with the procedures established for the original approval

## 2.2 MAJOR SUBDIVISIONS.

- A. Purpose.** The purpose of this Section is to provide for the orderly review and approval of the division of land into more than four (4) or more lots, tracts, parcels or other sub-parts for sale or development, or the creation of any division of land that requires the dedication or construction of public streets. This Section includes provisions for major subdivisions, parcel maps, and divisions of land into large parcels.
- B. Prohibited Subdivisions.** No person may subdivide land in Clinton County except in accordance with all of the provisions of this Section. Except as exempted in this Section, the following acts are prohibited:
1. **Selling Land Prior to Approved Map.** No owner or agent of the owner of any of land subject to these regulations shall offer for sale or transfer title to any tract before a map has been approved in accordance with the provisions of these regulations and recorded with the County Recorder and signed-off by County department heads.
  2. **Subdivision by Metes and Bounds.** It shall be unlawful to subdivide any lot or any parcel smaller than 35 acres by the use of metes and bounds description for the purpose of sale, transfer or lease, except as exempted in paragraph C of this section.
- C. Exemptions.** The following divisions of land shall be exempt from these subdivision requirements:
1. The public acquisition of land for the widening of existing streets or for constructing other public works;
  2. Any lot, parcel or tract of land located within the area governed by these regulations which has been legally subdivided or resubdivided by map or deed subsequent to the adoption of subdivision regulations on May 8, 1964 and prior to the adoption of these regulations;
  3. A division of property through the probate of an estate, or by order of a court of law;
  4. A lien, mortgage, deed of trust or any other security instrument regulated under the laws of Iowa or any other interest in an investment entity;
  5. Cemetery lots;





6. An interest in oil, gas, minerals or building materials, which is now or hereafter severed from the surface ownership of real property;
7. A division of property where all new lots or parcels are for agricultural purposes, all lots will be greater than 35 acres and no street, road, highway opening or widening or easement of any kind is required by these regulations.
8. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the County;
9. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

### **2.2.1 Sketch Map.**

**A. Purpose.** The Sketch Map review procedure is designed to allow the applicant to present a concept-level plan to the County staff for a discussion of suggestions and concerns. The Sketch Map process is optional and intended only to guide the applicant in preparing a Preliminary Plat.

#### **B. Requirements for Application.**

1. The property owner shall initiate a Sketch Map approval request by filing an application with the Administrator.
2. A Sketch Map application shall include:
  - a. Completed application forms;
  - b. A proposed phasing plan for the development of multi-phase projects;
  - c. Any attendant documents needed to supplement the information provided on the map.
3. **Sketch Map Contents.** The following information will be required for a thorough administrative review of the Sketch Map. Lack of information will result in an incomplete assessment by County staff.
  - a. Name of the proposed subdivision;
  - b. Date, scale, north arrow;



- c. Property owner's name and address;
- d. Description of all existing covenants, liens and encumbrances;
- e. Acreage and location of the property;
- f. Existing or proposed easements, rights-of-way, streets or other public ways;
- g. Location, sizes and elevations of existing sewers, water mains, culverts, and other underground structures within the boundaries of the proposed subdivision and adjacent thereto;
- h. Existing permanent buildings;
- i. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
- j. Approximate topography based on USGS or NAVD datum at 10 foot contour intervals;
- k. Approximate location and width of all proposed streets within and abutting the proposed subdivision;
- l. Preliminary proposals for connections with existing water supply and sanitary sewerage systems, and preliminary proposals for collecting and discharging surface water drainage;
- m. Approximate location, dimensions and area of all proposed and existing parcels;
- n. Approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
- o. Vicinity map showing all streets and the general development pattern and land uses of the surrounding area;
- p. If the Sketch Map covers only a part of the applicant's contiguous holdings, the applicant shall show the extent of adjacent land holdings;
- q. Proposed land uses, including the type of dwellings or commercial use, the number of dwellings, the square footage of non-residential floor area and acreage of each proposed land use.

**C. Criteria for Approval.** Sketch Maps are not officially approved or denied. They are reviewed by the staff for consistency with adopted plans, policies and regulations.



**D. Staff Action.**

1. The Administrator shall identify the most appropriate process and any inconsistencies with adopted plans, policies or codes.
2. Following the review, the Administrator shall send the applicant written comments regarding the proposed subdivision to assist the applicant in completing the subdivision process.

**E. Notice.** No notice or public hearing is required for this application.

**2.2.2 Concept Plan.**

**A. Purpose.** The purpose of the Concept Plan is to demonstrate conformance with the Master Plan, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to approval of a Preliminary Plat. Approval of a Concept Plan shall constitute approval of the type(s) and intensity of development and approval of a project phasing plan. A concept plan may be processed concurrently with a preliminary plat.

**B. Requirements for Application.**

1. A Concept Plan shall be required when an applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The Concept Plan shall illustrate future development of the entire area under common ownership. A Concept Plan is not required for subdivisions creating a single, non-farm parcel.
2. The applicant shall file a Concept Plan application with the Administrator at least 30 days prior to the Planning & Zoning Commission's regular meeting at which the applicant seeks to be heard and shall include:
  - a. Completed application forms and the payment of all applicable fees;
  - b. A proposed phasing plan for the development of future sections;
  - c. Any attendant documents needed to supplement the information provided on the map.
3. A Concept Plan may be submitted for review and approval simultaneously with a Preliminary Plat; provided, however, that the plat shall not be approved until the Concept Plan has been approved.



4. A Concept Plan shall be printed on 24" x 36" paper at a scale of 1 inch = 100 feet (or larger) with all dimensions measured accurately to the nearest foot; provided, however, that a different scale may be used if approved by the Administrator prior to submittal.
5. The Concept Plan shall contain or have attached thereto:
  - a. Name and addresses of the developer, record owner, land planner and engineer;
  - b. Proposed name of the subdivision, date prepared and/or revised, north indicator and scale;
  - c. Location map drawn at a scale of 2,000 feet per inch showing the area within a 1 mile radius of the proposed subdivision;
  - d. A layout of the entire proposed subdivision and its relationship to adjacent property, existing development and recorded maps;
  - e. Topographic contours based on USGS or NAVD Datum at 10 foot intervals based on USGS or NAVD Datum unless otherwise approved by the Administrator;
  - f. Proposed major categories of land use showing compatibility with the Master Plan;
  - g. Proposed number of dwelling units and gross density of each type of residence and proposed floor area for each non-residential parcel;
  - h. Proposed and existing arterial, collector and local streets (both public and private) to serve the general area;
  - i. Location of sites for parks, schools and other public uses, and all areas of common ownership;
  - j. Significant hydrological features and structures including any 100-year flood plains, floodways and wetlands;
  - k. Significant man-made features such as railroads, buildings, utilities and drainage structures;
  - l. Approximate boundaries and timing of proposed phases of development;
  - m. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on an adjacent parcel exist which will require



the establishment of reasonable design standards in excess of the established minimum standards or require a variance from minimum standards.

**C. Criteria for Approval.** The Planning & Zoning Commission shall consider the following criteria when making their recommendation to the Board of Supervisors:

1. The character and zoning of surrounding development;
2. The zoning and uses of the subject property;
3. The suitability of the proposed project for the site;
4. Conformance of the proposed project with the Master Plan and the County's development standards;
5. The availability and adequacy of required public and community facilities, utilities and services to serve the proposed project. These may include, but are not limited to, sanitary and storm sewers, water, electrical services, police and fire protection, schools, parks and recreation facilities, roads, libraries, solid waste collection and disposal and others, as applicable;
6. The extent to which the proposed project would adversely affect the capacity or safety of that portion of the street network influenced by the use;
7. The extent to which the proposed project would contribute to inefficient development patterns;
8. The environmental impacts that the proposed project will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm.

**D. Staff Action.**

1. The Administrator shall schedule the Concept Plan for review at a public hearing to be held before the Planning & Zoning Commission in conformance with Section 2.1.6 of these regulations, within 45 days of the date the application is received.
2. Prior to the Planning & Zoning Commission public hearing, the Administrator shall forward copies of the Concept Plan to appropriate departments and agencies for their review. The Administrator shall assemble all comments for review by the Planning & Zoning Commission.



**E. Planning & Zoning Commission Action.**

1. The Planning & Zoning Commission shall hold a public hearing on the Concept Plan application pursuant to Section 2.1.6.
2. The Planning & Zoning Commission shall determine whether the proposed development meets the criteria stated in Section 2.2.2(C) and shall make a recommendation for approval, disapproval or conditional approval to the Board of Supervisors.

**F. Board of Supervisors Action.**

1. Within 30 days of Planning & Zoning Commission action, the Board of Supervisors shall consider the Concept Plan application.
2. The Board of Supervisors may approve, conditionally approve or deny the Concept Plan application based on the criteria established in Section 2.2.2(C).

**G. Effect of Approval.** Approval of a Concept Plan constitutes acceptance of the type, density and intensity of land use indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. The Board of Supervisors shall notify the applicant of any design requirements in excess of the established minimum standards or of any deviations from those established minimum standards set forth in these regulations. The approval of the Concept Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, or a period of one year elapses without approval of a Preliminary Plat, Concept Plan approval shall expire. Upon receipt of a written request for the extension and continuance of the prior to expiration, the Board may approve extensions upon finding that conditions in the County do not justify modifications to the approved Concept Plan.

Concept Plan approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

**H. Denial.** If the Board of Supervisors denies a Concept Plan application, it shall record the reasons for denial in the record and forward a written statement of the reasons to the applicant.



### 2.2.3 Preliminary Plat.

**A. Purpose.** Preliminary Plat approval allows the Planning & Zoning Commission and Board of Supervisors to review all substantive aspects of a proposed subdivision and impose such conditions as will be necessary to ensure compliance with County plans and regulations.

**B. Requirements for Application.**

1. Before any application is made, the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for Preliminary Plat approval pursuant to these regulations.
2. A property owner or his/her designated representative shall initiate a Preliminary Plat request by filing an application with the Administrator and paying the appropriate filing fee.
3. A Preliminary Plat application shall be filed 30 days prior to the regular Planning & Zoning Commission meeting at which the applicant desires to be heard and shall include:
  - a. Copies and a reproducible sepia or tracing of the plat as required by the application;
  - b. Copies of all other information required by this section as specified on the application; and
  - c. A location map showing:
    - (1) The subdivision name.
    - (2) An outline of the area to be subdivided.
    - (3) The existing roads and public or community utilities, if any, adjoining property.
    - (4) North point and scale.
  - d. The names, mailing addresses and signatures of all owners of record of all land within the appropriate perimeter boundaries of the proposed subdivision.
  - e. Preliminary Plat of the subdivision drawn to the scale of 1 inch to 50 feet, provided that if the resulting drawing would be over 36 inches in the shortest dimension, a scale of 1 inch to 100 feet may be used, provided, however, that a different scale may be used if approved by the Administrator prior to submittal.



- f. The Preliminary Plat shall contain the following information, provided that the Administrator may waive specific informational requirements upon finding in writing that said information is not needed for evaluation of the proposed subdivision:
- (1) Legal description, acreage and name of proposed subdivision.
  - (2) Name and address of the owner.
  - (3) Name and address of the surveyor or engineer who prepared the map.
  - (4) Location of existing lot lines, public utilities, water mains, sewers, drain pipes, culverts, water course, bridges, railroads and buildings in the proposed subdivision.
  - (5) The location, widths, other dimensions and names of all adjoining highways, streets or public ways;
  - (6) The proposed location, width, name and approximate grade of each highway, street, alley or way within the proposed subdivision and approximate radius of all curves;
  - (7) The width and approximate location of all existing and proposed easements, whether public or private, for roads, drainage, sewers, irrigation or public utility purposes and dedications of land for parks, recreation areas, schools or other public purposes;
  - (8) If other subdivisions adjoin, that portion thereof which so adjoins, showing the streets therein with relation of the streets in the proposed subdivision;
  - (9) Proposed use of lots and public areas;
  - (10) Layout of proposed blocks and lots including the dimensions of each.
  - (11) All blocks shall be lettered and block letters shall be consecutive and shall begin with the letter "A." Lots shall be numbered beginning with the number "1." The dimensions of each lot shall be designated. No lot shall be divided by a city boundary line;
  - (12) If any portion of the land within the boundary of the subdivision is subject to inundation or storm water overflow, that fact and the land so affected shall be clearly designated on the map by a prominent note on each water course within the boundaries of the subdivision;





- (13) Contour at vertical intervals of not more than 2 feet, provided that the County Engineer may relax this requirement at their discretion.
  - (14) Tract boundary lines showing dimensions, bearings angles and references to known lines or bench marks.
  - (15) Date, north point, scale and number of sheet in relation to the total number of sheets;
  - (16) The location and outline to scale of each existing building or structure which is not to be moved in the development;
  - (17) A cross section of the proposed roads showing the roadway location, the type width of surfacing, the type of drainage and other improvements to be installed.
  - (18) The size, type and location of proposed wells and/or water mains and sewage disposal system if a public or community system is used;
  - (19) The drainage of the land including location of proposed storm sewers, ditches, culverts, bridges and other structures;
  - (20) A statement or plan regarding methods and/or techniques to be used in controlling soil erosion during construction and development of the subdivision.
  - (21) A statement from applicable utility companies indicating their approval of the utility easements shown on the plat; and
  - (22) Sinkholes, wetlands, floodways, floodway fringe areas and areas with slopes exceeding 30%.
  - (23) Any additional information determined necessary by the Administrator, Planning & Zoning Commission or the Board.
- g. A description of all utilities to be provided to the subdivision. Water quality sampling tests shall be required pursuant to State Health Division policies for any subdivision using individual wells for lots smaller than 2 acres. For parcels smaller than 10 acres, the Applicant shall provide information sufficient to assess compliance with State and local rules and regulations.
- h. Other information required by the Administrator to demonstrate compliance with these Regulations.



- C. Submittal Date.** For purposes of these regulations, the date of the regular meeting of the Planning & Zoning Commission at which time a complete Preliminary Plat is reviewed shall constitute the official application date of the plat.
- D. Criteria for Approval.** The recommending and decision-making bodies shall make the following findings before approving a Preliminary Plat:
1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
  2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
  3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, electric and telephone service;
  4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services;
  5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection;
  6. The site represents an overall development pattern that is consistent with the goals and policies of the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County;
  7. The site and application conform to all applicable provisions of these regulations;
  8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
  9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles;
  10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning & Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.;



11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles;
12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees;
13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein;

**E. Staff Action.**

1. The Administrator shall transmit copies of the preliminary plat to the Planning & Zoning Commission and 1 copy of each to the County Engineer and County Health Officer, or their authorized representative, for study and recommendation.
2. The County Engineer and Health Officer, or their authorized representative, shall be requested to file a written recommendation with the Planning & Zoning Commission or the Board of Supervisors within 15 days of receipt of the Preliminary Plat.

**F. Notice.** Notice of the hearing shall be provided pursuant to Section 2.1.1.

**G. Planning & Zoning Commission Action.** The Commission shall, within 30 days of the submittal date, conduct a hearing and submit its recommendation for approval, conditional approval or disapproval to the Board of Supervisors. The subdivider, may however, agree in writing to an extension of time not to exceed 60 days. A copy of the recommendations shall be forwarded to the subdivider. Failure of the Planning & Zoning Commission to act within 30 days shall result in a recommendation of approval.

**H. Board of Supervisors.** The Board of Supervisors, within 60 days of submittal pursuant to Section 2.2.3(G), shall by resolution approve, conditionally approve or disapprove the preliminary plat. If the preliminary plat is disapproved, the Board of Supervisors shall advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Supervisors shall constitute approval to proceed with the preparation of the final plat but not to be deemed approval of the subdivision.

**I. Plats within the Area of Right of Review of a City.** The procedure for plats within the jurisdiction of a city which has established its right to review subdivisions beyond its



boundaries under Chapter 354.8 and 354.9 of the code of Iowa shall be the same as set out for preliminary and final plats in Section 2.2.3 and 2.2.5 as hereinafter provided.

1. The subdivider also shall file such plats with the municipality in accordance with its established procedures. The County Planning Commission shall hear the request and recommend action on the application pursuant to these regulations.
2. If the action by the municipality is in accord with the recommendations of the Commission, the Board of Supervisors may concur with such action, provided that the design standards and improvements required are not less than those established herein.

**J. Duration of Permit/Approval.** Preliminary Plat approval shall confer upon the applicant, for a period of 1 year from the date of approval by the Board of Supervisors, the right to proceed to Final Plat approval pursuant to the terms and conditions under which the Preliminary Plat approval was granted by the Board of Supervisors. A Preliminary Plat may be valid for longer than 1 year only by approval of the Board of Supervisors.

#### **2.2.4 Construction Plans/Improvements.**

##### **A. Construction Plans.**

1. Following approval of the Preliminary Plat, the applicant shall have prepared by a professional engineer, registered in the State of Iowa, Construction Plans consisting of complete plans and specifications for all easements, streets, traffic control devices, street lights, street signs, sanitary sewers, storm water facilities, water system facilities, sidewalks and the provision for all public utility sources to be provided to each lot with the subdivision together with other improvements required by these regulations. Construction Plans together with plan check fees and bond estimate(s) shall be submitted to the Administrator for review, processing and County approvals.
2. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of these regulations, the standards and specifications of the County and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

##### **B. Construction Drawing Requirements.**

1. **General.** The Construction Plans shall be sealed by a professional engineer. Copies of the Construction Plans shall be submitted to the Administrator for review. The Construction Plans shall be at any scale from 1 inch = 10 feet through 1 inch = 100 feet, so long as the scale is an increment of 10 feet and is sufficiently clear to reflect details of the proposed construction. Construction Plans shall be prepared on 24 x 36



inch sheets. The Plans shall include the following information, shown on separate sheets, provided that upon recommendation of the County Engineer, the Administrator may waive, in writing, informational requirements that are not needed to ensure compliance with the County's improvement requirements:

- a. A cover sheet including: owner, developer, engineer (with addresses and phone numbers), a vicinity map, all standard notes, signature block for utility and County approvals, and an index of plan sheets.
- b. The Preliminary Plat for the project drawn on the existing topographic survey of the property;
- c. Roadway, sidewalk, bikeway and traffic control construction plans, profiles and detail sheets;
- d. Sanitary sewer system construction plans, profiles and detail sheets (may be combined on roadway sheets);
- e. Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations and other information as required by the County Engineer (may be combined on roadway sheets);
- f. Proposed grading cross sections and final contours in critical drainage areas;
- g. Water distribution system construction plans and details (may be shown on roadway sheets);
- h. Locations of electric, telecommunications and other utility improvements;
- i. A general schedule of the timing and sequence of construction for all required improvements (recommended for inclusion on the cover sheet);
- j. Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., surfacing and base details, curbing or shoulder details, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section, in plan and profile. Specific details shall include, but not be limited to (and referenced to appropriate County improvement standards):
  - (1) Street installation, widening, or resurfacing improvements dimensioned and developed in accordance with County improvement standards;
  - (2) Street widening and resurfacing improvements in the right-of-way as measured from the centerline;



- (3) Mathematical profile grade and elevations at 25 foot intervals on vertical curves and 50 foot intervals on tangent sections for all roadway construction;
  - (4) Resurfacing Profile Grade elevations on existing centerline and edges of pavement at 25 foot intervals and breaks in grade (i.e., irregularities in pavement);
  - (5) Jointing plan and details for Portland Cement Concrete pavement;
  - (6) Type and location of entrance construction;
  - (7) Proposed traffic control devices and signs to be used during construction and upon completion of the project.
- k. Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets. All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent County regulations and standards and shall be shown in plan and profile. With the approval of the County Engineer, the Administrator may allow profiles to be omitted from water distribution system Plans. Specific details shall include, but shall not be limited to:
- (1) Existing ground and finished grade shown and designated;
  - (2) Methods to be used in repairing open trenching of pavement;
  - (3) Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored;
  - (4) Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers;
  - (5) Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Drawing approval.
- l. Grading Plan and Cross Section Sheets. A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:



- (1) Existing and proposed contours, normally at 2 foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than 2 feet will require the recommendation of the County Engineer and the Administrator's approval (proposed contours may be omitted, provided sufficient spot elevations are shown);
  - (2) Site grading shall be compatible with ultimate roadway elevations;
  - (3) Where required by the County Engineer, cross sections showing existing ground and finished grades plotted at a scale approved by the County Engineer, typically of not less than 1 inch = 50 feet horizontal and 1 inch = 6 feet vertical;
  - (4) Erosion Control Plan, as applicable, showing compliance with State requirements.
- m. An address map incorporating lot numbers per the Final Plat and addresses in conformance with the County's adopted address grid. The address map shall contain separate approval lines for the Engineer.
- C. Public Agency Reviews.** Prior to approving the Construction Plans, the applicant shall submit the Construction Plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Administrator may seek consultation in the review of plans and the costs of such consultations shall be paid by the applicant.
- D. Approval.** Following agency and utility approvals and posting of appropriate bond(s), the Administrator shall approve, conditionally approve or deny the Construction Plans. Plans that were denied may be amended and immediately resubmitted. Denial may be appealed to the Board of Supervisors within 30 days of notification.
- E. Timing of Improvements.** Except upon the written approval of the Administrator, no grading, removal of vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering plans, shall commence on the subject property until the applicant has:
1. Entered into a Subdivision Improvement Agreement with the County or otherwise arranged for completion of all required improvements;
  2. Received approval of the Construction Plans and all necessary permits from the County; and
  3. Obtained necessary approvals and permits from other affected municipal, county or state agencies.



**F. Modification of Construction Plans.** Installation of improvements and construction shall conform to the approved Construction Plans. If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant's own risk. It shall be the responsibility of the applicant to notify the Administrator of any changes to be made from the approved plans. In the event that actual construction work deviates from that shown on the approved Construction Plans and such deviation was not approved in advance by the Administrator, the applicant shall provide "As-Built" plans pursuant to Section 2.2.4(G) and may be required to correct the installed improvements to conform to the approved Construction Plans. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of map approval and/or permits already issued and/or withholding of future approvals and permits.

**G. As-Built Plans.**

- 1 Prior to final inspection of the required improvements.** The applicant shall submit to the Administrator 1 reproducible copy and 2 prints of as-built engineering plans for each of the required improvements that have been completed. Each set of plans shall be certified by the applicant's engineer indicating the date when the as-built survey was made.
- 2. Sewer and storm drainage.** As-built plans shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision.
- 3. Streets.** Unless otherwise required by the County Engineer, as-built plans for roadways and street improvements shall be limited to a survey of the street centerline, with final profile elevations recorded on the plans at 100-foot intervals, plus the notation of changes in horizontal alignment or intersection geometrics which may have been made during construction. This must be accompanied by a sealed or notarized statement that the cross section and drainage do not substantially deviate from the plan.
- 4. Water.** As-built plans for water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project shall be limited to horizontal location and size of water lines and location and description of valves with dimensional ties as may be required by the Administrator.
- 5. Sidewalks.** As-built Plans shall show location with respect to the street right-of-way, width and vertical elevation.





**6. Control Points.** As-built plans shall show all control points and monumentation.

**H. Inspection and Acceptance of Improvements.**

- 1. Inspection Required.** All improvements required by these regulations shall be inspected by the County Engineer, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the County with written reports of each final inspection.
- 2. Inspection Schedule.** It shall be the responsibility of the applicant to notify the County Engineer of the commencement of construction of improvements 24 hours prior thereto.
- 3. Compliance With Standards.** The applicant and the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- 4. Acceptance.**
  - a. Approval of the installation and construction of improvements by the Administrator shall not constitute acceptance by the County of the improvement for dedication purposes.
  - b. The County shall not have any responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the Board of Supervisors upon recommendation of the Administrator.
  - c. The developer shall maintain a 2 year warranty with surety posted to ensure that any failures occurring within the warranty period shall be properly repaired.
- 5. Site Cleanup.** The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the County, other than an approved landfill, is prohibited.
- 6. Failure to Complete Improvements.** If no Subdivision Improvement Agreement has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the County shall result in



expiration of Preliminary Plat approval. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the County may:

- a. Declare the Subdivision Improvement Agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- b. Suspend Final Plat approval until the public improvements are completed and record a document to that effect with the County Recorder's Office for the purpose of public notice;
- c. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- d. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- e. Exercise any other rights available under the law.

### **2.2.5 Final Plat.**

**A. Purpose.** Final Plat approval is required as the completion of the major subdivision process so that the subdivision map can be recorded; dedications can be made and building construction can begin.

#### **B. Requirements for Application.**

1. A Final Plat shall be submitted for a then valid preliminary plat, unless the County agrees to review the preliminary and final plats concurrently.
2. Final Plat approval is a necessary prerequisite to the transfer of ownership of any lots on the subject property or the issuance of any building permits for the development.
3. Before any application is made the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for Final Plat approval pursuant to these regulations.
4. The applicant shall initiate a Final Plat approval request by filing an application with the Administrator and paying the Final Plat application fee as established by the Board of Supervisors.



5. Procedures for final plats shall be the same as set out for preliminary plats in Section 2.2.3 above, except that a public hearing shall not be required.
6. A Final Plat application shall be filed at least 30 days prior to the Planning & Zoning Commission hearing at which the application is to be reviewed and shall include:
  - a. A sufficient number of copies of the proposed Final Plat as specified on the application;
  - b. Copies of the additional information required pursuant to the application;
  - c. A completed application form;
  - d. The applicable fees for filing and recording the map; and
  - e. An agreement in writing on a form provided by the County Attorney that the developer will install all of the improvements required herein.
7. **Contents.**
  - a. It may include all or only part of the preliminary plat.
  - b. The Final Plat shall be prepared in accordance with the application requirements.
  - c. The Final Plat shall contain information required by state code including, but not limited to, the following information:
    - (1) Name of the subdivision which shall neither duplicate nor too closely resemble the name of any existing subdivision within Clinton County, unless this is the continuation of an existing subdivision;
    - (2) Total acreage of the proposed subdivision to the nearest one-hundredth of an acre if the area is 2 acres or more; or in square feet if the area is less than 2 acres;
    - (3) The location by section, tract, township, range, city, county and state, including descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
    - (4) The legal description of the entire tract to be subdivided;



- (5) The names, lines and right-of-way widths of all proposed streets with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
- (6) Accurate location of all existing and recorded roads intersecting the boundaries of the tract;
- (7) An accurate by metes and bounds description of any property offered for dedication to the County or another public entity for public use;
- (8) The boundary lines of all adjoining lands for a distance of 150 feet and showing (with dotted lines) the right-of-way lines and adjacent streets and alleys with their widths and names;
- (9) Building setback lines and easements for rights-of-way provided for public use, services or utilities, with figures showing their dimensions and listing uses that are being provided and any limitations on such easement;
- (10) Building lines and dimensions;
- (11) Area in square feet for each lot or parcel under 2 acres, or in acres to the nearest one-hundredth of an acre if the area is 2 acres or more, which shall equal or exceed applicable zoning ordinance requirements;
- (12) An accurate drawing of the proposed subdivision with the lots clearly numbered in sequence and blocks clearly lettered in sequence;
- (13) Approved Construction Plans, or as built plans, conforming with the requirements of these regulations, for all roadway, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements;
- (14) Boundary lines and description of the boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;
- (15) Two copies of all deed restrictions and/or protective covenants and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision;
- (16) A statement dedicating all easements, streets alleys and other public areas not previously dedicated;



- (17) Other information pertaining to the proposed development as may be determined to be necessary from time to time by the Administrator or Board of Supervisors to facilitate review of the Final Plat.
- (18) Certificates Required. The Final Plat shall include appropriate certificates as determined by the County Attorney. These certificates shall include, but not be limited to:
  - (i) If the subdivision is within the jurisdiction of city, a certified Resolution of Approval by the Council of any affected city shall also accompany the final plat.
  - (ii) Certification by a registered land surveyor of the State of Iowa.
  - (iii) Certification of dedication of roads and other public property, if applicable.
  - (iv) Resolution and certificate for approval by the Board.
  - (v) Certificate of Ownership of Land.
  - (vi) \*See Amendments
  - (vii) \*See Amendments
- (19) The final plat shall be accompanied by the following instruments:
  - (i)
    - (1) A certificate bearing the approval of the Board of Supervisors stating that all improvements and installations in the subdivision required by these regulations have been made or installed in accordance with the County specifications, or
    - (2) A Subdivision Improvement Agreement and appropriate guaranties, pursuant to Section 2.8.1.
  - (ii) Copy of Restrictive Covenants to be attached to the lots of the subdivision.
  - (iii) Dedication of agricultural easements for any subdivision within an A-1 zoning district in a form acceptable to the County Attorney and ensuring compliance with the A-1 zoning provisions.
  - (iv) If the land platted is encumbered in the manner set out in Section 354.12 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance bond and approved by



the Clerk of District Court and which runs to the County for the benefit of the purchasers of the land subdivided has been filed with the Recorder.

- (v) An opinion by a licensed attorney-at-law showing that the fee title is in the applicant's name and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.12 of the Code of Iowa.
- (vi) A recorded fence agreement, either in the covenants, or between the developer and adjoining property owners, providing for the maintenance and reconstruction of existing fences, or the construction and maintenance of new required fences. (Amended 11/22/2000-Ord 2000-06)

**C. Determination of Completeness.** Within five (5) business days of submission, the Administrator shall review the Final Plat application to determine its completeness.

**D. Criteria for Approval.** Before approving the Final Plat, the Planning & Zoning Commission and Board shall make the following findings:

1. The Final Plat substantially conforms to the approved Preliminary Plat and any conditions and exceptions granted pursuant thereto;  
Substantial deviations shall include, but are not necessarily limited to, the following:
  - a. change in the location or design of a public street;
  - b. a change in the number or layout of lots or blocks;
  - c. a change in access to lots;
  - d. a change in areas, streets or rights-of-way to be reserved or dedicated;
  - e. a change in the drainage plan which increases the runoff from the tract;
  - f. a change in the public utilities and facilities to be provided; and
  - g. a change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.
2. The Final Plat conforms to all applicable requirements of these regulations, the zoning ordinance and other applicable land development regulations;
3. All submission requirements of these regulations have been satisfied;



**E. Staff Action.**

1. The Administrator shall schedule the Final Plat for review before the Planning & Zoning Commission within 30 days of the date the application is found to be complete.
2. The Administrator shall forward copies of the Final Plat to appropriate departments and agencies for their review and shall forward all staff and agency comments to the applicant and Commission.
3. Upon conclusion of the Board of Supervisors review, the Administrator shall send a letter to the applicant stating the Board's action on the application.

**F. Planning & Zoning Commission Action.** The Commission, within 30 days of the Administrator's determination that a completed application has been filed, shall conduct a meeting and recommend approval, conditional approval or denial of the application based on the criteria established in Section 2.2.5(D).

**G. Board of Supervisors Action.**

1. The Board, within 21 business days of the Commission's action, shall approve or disapprove the Final Plat based on the criteria established in Section 2.2.5(D); and shall transmit written notice of its decision to the applicant.
2. If the proposed Final Plat is approved, a certification of approval signed by the Chairman of the Board of Supervisors and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with such other certification and instruments as may be required by law for recordation.
3. If the Final Plat is denied, the applicant shall be notified. If the time frame for the Preliminary Plat has not expired, the applicant may submit a new Final Plat within the remaining time frame. If the Preliminary Plat approval is about to expire, the applicant may request an extension, and submit a new Final Plat within that time.

**H. Duration of Permit.**

1. Final Plat approval and subsequent recordation shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board.



2. Title to property dedicated or accepted for streets and easements passes when the Final Plat is recorded. If at the time the Final Plat is approved any streets have not been accepted, the offer of dedication shall be deemed to remain open and the Board may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use.

**I. Filing and Recordation.**

1. The Administrator shall present the approved Final Plat to the County Recorder for filing.
2. The Final Plat shall be recorded within 1 year of the date of approval.
3. The County Recorder shall not record any Final Plat unless the map contains all of the certificates of approval, conveyance and consent required by Section 2.2.5(B) of these regulations.

**J. Improvements to Precede Building Permits.** Building permits shall not be issued for any structure within the boundaries of the subdivision until all of the required improvements have been constructed, are available to each lot in the subdivision, and have been inspected and accepted or approved by the Board unless subject to a Subdivision Improvement Agreement or bond, or specifically authorized by the Board of Supervisors in conjunction with Final Plat approval.

**K. Revocation.** Any modification of the Final Plat without approval of the Administrator shall be grounds for revocation of the approval.

## 2.3 MINOR SUBDIVISIONS.

**2.3.1 Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the County's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by cost of producing this data, the County herein establishes a simplified procedure for minor subdivisions.

**2.3.2 Application.** Applicants for subdivisions or resubdivisions creating no more than 3 new lots (4 total) may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

- A. No new public street shall be necessary for each lot to access a public street.





- B. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
- C. No off-site improvements to the County's infrastructure are determined to be necessary by the Administrator.
- D. No off-site drainage improvements are determined to be necessary by the Administrator.
- E. The buildable area of any lot meets minimum zoning size requirements without being located within a 100-year floodplain, wetland or area of steep slope.
- F. Each lot in the subdivision complies with County zoning standards.
- G. The parent tract was a legally established lot or parcel as of July 6, 1992.
- H. No variances from subdivision or zoning are required.

**2.3.3 Exemptions.** Any division of land that is exempt from major subdivision regulation pursuant to Section 2.2(C) shall also be exempt from minor subdivision regulation.

**2.3.4 Process.** The application and procedure for minor subdivisions shall be the same as for final plats as established in Section 2.2.5, as applicable. In addition, the applicant shall submit a scaled plan showing (a) all portions of the subdivision located within the 100-year floodplain, wetland or area with a slope of greater than 30 percent; and (b) sinkholes and other hydrological features. The Administrator and Planning & Zoning Commission shall evaluate the minor subdivision in accordance with the approval criteria established in Sections 2.2.3(D) and 2.2.5(D).

## 2.4 LOT LINE ADJUSTMENTS AND PARCEL SPLITS

### 2.4.1 Lot Consolidations, Parcel Splits, Boundary Adjustments and Plat Corrections

- A. **Application.** The following process may be used for:
  - 1. Lot consolidations not involving abandonment of easements or rights-of-way;
  - 2. Parcel splits adding no more than one parcel to a parcel existing on May 8, 1964, and not requiring dedication or improvement of public rights-of-way or drainage system improvements; *(Note: Lot splits shall be processed as minor subdivisions.)*



3. Adjustments of boundary lines and/or easements between two abutting parcels;  
or
4. Corrections to a plat to:
  - a. To correct an error in any course or distance shown on the prior plat;
  - b. To add any course or distance that was omitted on the prior plat;
  - c. To correct an error in the description of the real property shown on the prior plat;
  - d. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
  - e. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
  - f. To correct any other type of scrivener or clerical error or omission as previously approved by the Planning & Zoning Commission or the Board of Supervisors; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names and identification of adjacent recorded plats;
  - g. To correct an error in courses and distances of lot lines between two adjacent lots where lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;

**B. Procedures.**

1. The application shall be filed with the Administrator provided pursuant to Section 2.1.1.
2. The Administrator shall review the application.
3. Within 30 days of determination that a completed application has been submitted, the Administrator shall approve, approve with conditions or disapprove the application. If a concept plan is required, the Administrator may approve the concept plan concurrently with the parcel split or lot adjustment.



4. Appeals to this Section shall be reviewed as minor subdivisions.
5. All parcel splits and lot line adjustments shall be recorded as plats of survey only after certification by the Administrator that the plats comply with all applicable regulations.

**C. Approval Criteria**

1. All resultant parcels shall comply with the minimum standards required by these regulations;
2. No change in street right-of-way locations or reduction of easement width shall occur;
3. The action will not adversely affect the character of the previously recorded plat or the character of the area;

## **2.5 VACATIONS.**

**2.5.1 Purpose.** When deemed to be in the public interest, and where no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated. Applications for vacation of any street, alley or a public reservation may be made by the County or by any owner of property on which the street, alley or public reservation lies or adjoins.

**2.5.2 Process.** Any street, alley or public reservation, or portion thereof, certain public roads, may be vacated by ordinance adopted by the Board, following public notice and hearing as provided in Section 2.1. Any application for vacation by ordinance shall be filed in the office of the County Engineer. The applicant shall provide evidence that the right-of-way, reservation or easement is no longer needed by any of the parties having an interest in same. Following the adoption of any resolution vacating any street, alley or public reservation, or portion thereof, the County Auditor shall file a copy thereof for recording. Any vacation of right-of-way, reservation or easement on a recorded plat shall be noted on the plat.

**2.5.3 Reservation of Easements.** In vacating any street, alley or public reservation, or portion thereof, either by plat or by resolution, the Board may reserve such rights-of-way and other easements as in the judgment of the Board are necessary or desirable for public service.



**2.5.4 Reversion of Land Vacated.** Streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties as provided by State law and any amendments thereto.

**2.6 VARIANCE.** The Planning & Zoning Commission may recommend and the Board may authorize a variance from the strict application of these subdivision regulations where, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose and spirit of these Regulations.

**2.6.1 Applicability.** A variance may be granted in conjunction with plat approval where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the property owner.

**2.6.2 Process.**

- A. A property owner or designated representative shall initiate a variance request by filing an application and fee with the Administrator in conjunction with preliminary plat or minor subdivision approval.
- B. When the applicant seeks a Variance, the applicant shall submit the following information:
  1. Evidence that the property was acquired in good faith and that because of the exceptional narrowness, shallowness or shape of the parcel at the time of the effective date of these Regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional circumstances, the strict application of the terms of these Regulations actually prohibits the practical use of applicant's property in the manner similar to that of other property owners in the zoning district where the property is located;
  2. Evidence of the ability and intention of the applicant to proceed with actual construction in accordance with the submitted site plan after issuance of the variance.



3. The Commission and Board shall consider the following criteria when making their decisions:
  - a. The variance requested arises from a condition or conditions which are unique to the property in question and which are not ordinarily found in the same area; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to enactment of these Regulations;
  - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
  - c. The strict application of the provisions of these Regulations would constitute unnecessary hardship upon the property owner;
  - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
  - e. The granting of the variance will not conflict with the general spirit and intent of these Regulations.
  - f. The variance is the minimum variance required to allow for development of the property..
- C. The Commission shall recommend and the Board shall decide whether to approve, conditionally approve or deny the application for a variance at the hearing for the subdivision application and shall make a findings for its decision in the record.

### **2.6.3 Effect of a Subdivision Variance.**

- A. Any variance granted under these regulations shall eliminate the necessity of a similar variance from the provisions of the Zoning Ordinance.
- B. Any variance granted under the authority of these Regulations shall be subject to revocation if the variance is conditionally approved, and any of the required conditions are not being fulfilled.

**2.7 APPEALS OF INTERPRETATIONS.** An Applicant, aggrieved citizen or County representative who believes that the County has committed an error in any order, requirement, decision or refusal made by an administrative official or agency may appeal that action within 30 days of the final decision. Appeals to interpretation of fees or public improvements shall



be heard by the Board of Supervisors. All other appeals shall be heard by the Board of Adjustment pursuant to Section 9.3.8 of the Zoning Ordinance.

**2.8 DEVELOPMENT IMPROVEMENT AGREEMENTS.** Except as provided below, before the plat is recorded, all applicants shall be required to complete, to the satisfaction of the Administrator, all street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required by these regulations. The required improvements shall be those specified in the approved Preliminary and/or Final Plat.

As a condition of Final Plat approval, the Board may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the County all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the County and recordation of the Final Plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the County may compel the delivery of the deed in order to complete the improvements as required.

**2.8.1 Improvement Agreement and Guarantee of Completion of Public Improvements.**

- A. Subdivision Improvement Agreement.** The Board may waive the requirement for the completion of required improvements if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required public improvements no later than 2 years following the date upon which the final plat is signed. Such two-year period may be extended for up to an additional 2 years at the discretion of the Board. The Board may require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a Subdivision Improvement Agreement for completion of the remainder of the required improvements during such 2-year period. The County Attorney shall approve any Subdivision Improvement Agreement as to form.
- B. Covenants to Run with the Land.** The Subdivision Improvement Agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The Subdivision Improvement Agreement shall be recorded with the County Recorder. All existing lienholders shall be required to consent to subordinate their liens to the covenants contained in the Subdivision Improvement Agreement.



**1. Performance Security.**

- a. Whenever the Board permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash escrow or a surety bond.
- b. The cash escrow or surety bond shall be in an amount estimated by the County Engineer as reflecting 110 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
- c. In addition to all other security, when the County participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County as a co-obligee.
- d. The issuer of any surety bond shall be subject to the approval of the County Attorney.

**2.8.2 Escrow Agent.** If security is provided in the form of a cash escrow, the applicant shall deposit same with the County Auditor a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the County Engineer.

- A. **Accrual.** The surety bond or cash escrow account shall accrue to the County for administering the construction, operation and maintenance of the improvements.
- B. **Reimbursement.** Where oversized facilities are required by the County, the County and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

**2.8.3 Maintenance Bond.**

- A. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of 3 years from the date of County acceptance of such improvements. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting 50% of the cost of the completed improvements.
- B. If the applicant has entered into a Subdivision Improvement Agreement for the completion of required improvements, an appropriate percentage of the performance bond or cash escrow may be retained by the County in-lieu of a maintenance bond.



- C. If the applicant has not entered into a Subdivision Improvement Agreement, the applicant shall guarantee of the improvements as required by this section. A surety bond or cash escrow totaling 50% of the costs of the completed improvements shall be provided by the applicant.

**2.8.4 Temporary Improvements.** The applicant shall construct and pay for all costs of temporary improvements required by the County and shall maintain said temporary improvements for the period specified.

**2.8.5 Governmental Units.** Governmental units to which these improvement and security provisions apply may file, in lieu of the Agreement and security, a certified resolution or ordinance by the officers or Administrators authorized to act on their behalf, agreeing to comply fully with all applicable provisions of these regulations.



## CHAPTER III: DESIGN STANDARDS

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**3.1 GENERAL.** The design standards provided in this chapter shall apply in each zoning district in which such uses are permitted. In the event that standards identified in this chapter vary from those regulations specified in the zoning ordinance text, the more restrictive standard shall govern.

### 3.2 BLOCKS.

**3.2.1 Block Length.** The length of blocks shall not be less than 500 feet and not more than 1,250 feet in length.

**3.2.2 Block Width.** Blocks shall be of sufficient width to permit 2 tiers of lots of appropriate depth and in no case shall the width be less than 220 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, railroad or other barrier, the width shall be not less than 150 feet.

**3.2.3 Lot and Block Arrangement.** When reviewing proposed lot and block arrangements, the following factors shall be considered:

- A. Adequate Building Sites Required.** Provisions of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features.
- B. Minimum Lot Sizes Established.** Minimum zoning district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants.
- C. Safe Access Required.** Block layout shall enable development to meet Subdivision Regulations requirements for convenient access, circulation, control and safety of street traffic.
- D. Crosswalks.** The Board may require the dedication and construction of a pedestrian access easement and crosswalk for any block that exceeds 700 feet in length or for any cul-de-sac located within one-half mile of a school, park or neighborhood commercial center.



### 3.3 LOTS.

**3.3.1 Lot Dimensions, Generally.** The lot standards provided in this Section shall apply in each zoning district in which such uses are permitted. In the event that standards identified in this Section vary from those regulations specified in the zoning district text, the more restrictive standard shall govern.

#### 3.3.2 Single-Family Lots.

**A. Bulk and Density Standards.** Maximum height, as well as the minimum lot size, depth, width and building setbacks for single-family development shall comply with the applicable zoning district standards.

**B. Double Frontage Lots.** Lots with double frontage shall be avoided, except when access is restricted along an arterial roadway and lots front on a parallel collector or local street.

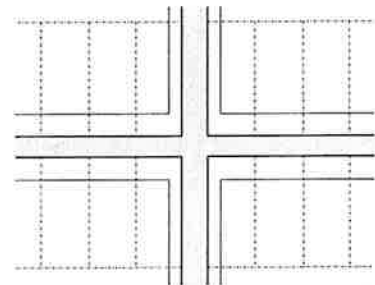
**C. Single-Family Lots Less Than 10 Acres.** Single family lots smaller than 10 acres shall be deeper than wide, with a depth to width ratio of not greater than 3:1. \* See Amendments

**D. Cul-de-Sac Lots.** For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at all points between the front and rear setback lines for the main or primary structures. Cul-de-sac lots shall have a minimum width of 25 feet at the street line.

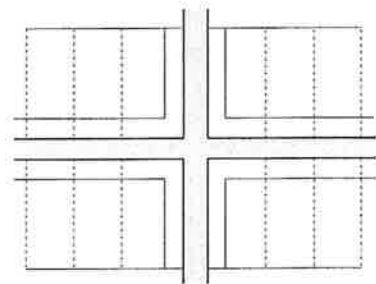
**E. Corner Lot Setback.** Corner lots shall have sufficient extra width to match the buildable width of adjacent lots after deducting required side street setbacks (see Exhibit 3.1).

**3.3.3 Compact Housing Types.** Lot depth, lot width, and the front, side and rear yard setbacks listed in Exhibit 3.2 shall apply to the listed housing types when permitted in a Planned Unit Development with adequate public facilities.

**Exhibit 3.1: Corner Lot Design**



*Uniform Lot Sizes crowd the building sites for corner lots*



*Corner lots should be wider so that distance equal to a front setback can be allowed between the building and both streets.*



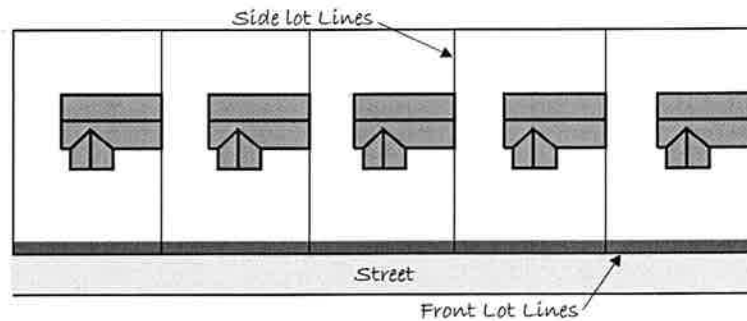
**Exhibit 3.2: Lot Standards for Compact Housing Types  
 In Residential Districts as Permitted**

Housing Type	Minimum Lot Size (square feet)	Minimum Building Setback (Feet)		
		Front	Side <sup>1</sup>	Rear
Conventional Single-Family Homes	6,000	20	10	20
Zero Lot Line <sup>3</sup> Homes	4,000	20	0	20
Duplex	6,500	15	7	20
Townhouse	2,000	10	25 <sup>2</sup>	20
Multifamily	10,000	25	25 <sup>2</sup>	20

Notes: <sup>1</sup> A minimum distance of 10 feet is required between buildings on adjacent lots.

<sup>2</sup> A minimum 25 feet must be provided between multi-family buildings on the same parcel.

<sup>3</sup> In a zero lot line development, houses are shifted to one side of the lot.





**3.3.4 Lot Lines.** All quadrangular lots and, so far as practical all other lots, shall have side lines at right angles to straight street lines or radial to curved street lines (see Exhibit 3.3)..

**3.3.5 Lot Orientation.** The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

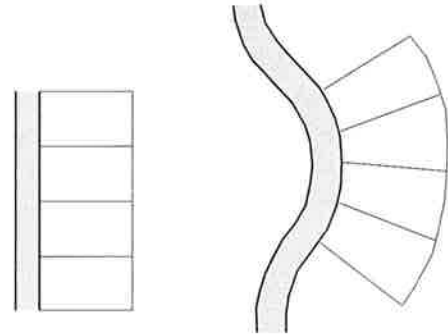
**3.3.6 Lot Access.** Lot access shall be provided in conformance with Section 3.4.5.

**3.3.7 Driveways.** Driveways shall be designed and constructed in conformance with Section 3.4.6. Up to six lots may share access from a shared driveway, provided that an access easement be required to facilitate pedestrian and bicycle access through any subdivision within one-half mile of a school, park or neighborhood commercial center.

**3.3.8 Lot Remnants.** No lot or parcel shall be created which fails to meet the minimum standards of the applicable zoning district, except pursuant to a planned district which provides for the perpetual maintenance of such remnants. Private reserve strips are prohibited.

**3.3.9 Non-Farm Lots in A-1 Districts.** In any A-1 zoning district, unless otherwise authorized by the zoning district regulations, only one non-farm lot may be created per 40 acres of land. For each non-farm lot created, the balance of at least 40 acres must be reserved in an agricultural easement approved as to form by the County Attorney. The easement shall consist of a single continuous area of land, and shall be located contiguous to the non-farm lot being created on property under common ownership. When development rights are shifted from contiguous parcels no more than four units shall be shifted to any quarter-quarter section.

**Exhibit 3.3: Lot Alignment**



### 3.4 ROAD IMPROVEMENT STANDARDS.

**3.4.1 General.** No Development shall be approved if such development, at full occupancy, will result in or increase traffic in excess of design capacity listed in Exhibit 3.4. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development projected to generate more than 1,000 vehicle trips per day shall submit a traffic impact analysis, unless waived by the County Engineer.



**3.4.2 Road Classification.** Any street that is not already classified in the Master Plan shall be classified by the County Engineer. In classifying roads, the County Engineer shall consider projected traffic demands after 20 years of development.

**3.4.3 Standards -** All street improvements shall be designed according to the standards shown in Exhibit 3.4.

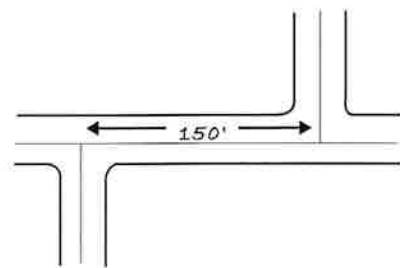
**Exhibit 3.4: Design Characteristics by Functional Street Classification**

Design Characteristic	Functional Street Classification			
	Principal Arterial	Major Collector	Minor Collector	Local
Traffic Lanes	2 to 4 12' lanes	2 to 4 11' lanes	2 11' lanes	2 11' lanes
Design Capacity (average vehicles per day)	based on configuration	<6,000	<400	<100
Minimum Right-of-Way* (feet)	100	66 to 80	66 to 80	60
Typical Speed Limit* (miles per hour)	35 to 65	30 to 55	25 to 45	25 to 45
Pavement Type	paved	paved	paved or gravel	gravel
Maximum Grade	5%	6%	6%	8%

\* Right-of-way and speed limits depend on terrain, visibility, road alignment and adjacent development.

- A. **Alleys.** Alleys will not be approved in residential districts except where justified by special conditions such as the continuation of an existing alley in the same block. Alleys may be provided in commercial and industrial areas at the Board's discretion.
- B. **Dead-End Streets.** No dead end streets will be permitted.
- C. **Street Offsets.** Street jogs of less than 150 feet shall be avoided.
- D. **Parkways.** Where parkways or special types of streets are proposed, the Board may apply special standards for the design of such parkways or streets.

**Exhibit 3.5: Street Offsets**





- E. Cul-de-sac Approaches.** Cul-de-sac approaches shall have a minimum right-of-way of 60 feet. Development on single-family residential cul-de-sacs longer than 300 feet shall not generate more than 100 vehicle trips per day as projected using the current Institute of Transportation Engineers Trip Generation Manual. Cul-de-sacs shall not exceed 750 feet in length.
- F. Cul-de-sac Turn-arounds.** Cul-de-sac turn-arounds shall have an outside radius of 50 feet plus sufficient area for easements needed for utilities, drainage and mail service. Temporary turnarounds may be provided at the end of streets that will be extended within 3 years from the beginning of development activity on the cul-de-sac.
- G. Temporary Cul-de-sac.** A street in a phased development may be constructed without a turnaround if it is constructed not more than 1 lot in length. A street constructed in a phased development which is longer than 1 lot shall have a temporary turnaround meeting the cul-de-sac dimensions.
- H. General Street Arrangement.**

  - 1. Adequate Traffic Circulation.** Provisions shall be made for adequate traffic circulation. Local and Residential streets shall be designed to limit through traffic.
  - 2. Lot Access.** Every lot shall have access to a public or private right-of-way approved by the appropriate governing body.
  - 3. Multiple Intersections.** No more than 2 streets shall cross or intersect at the same point. Intersections, including intersections off-set on opposite sides of a street, shall be separated by at least 150 feet which shall be measured along the centerline of the primary street from centerline to centerline of the intersecting streets. Intersection of road center lines shall be between 80 degrees and 100 degrees.
  - 4. Street Connections.** Streets should connect with streets already dedicated in adjoining or adjacent subdivisions and provide for future connections to adjoining unsubdivided tracts whenever possible.
  - 5. Adjoining Property.** Where access to adjoining properties is deemed necessary by the County, residential and other minor streets shall be extended to the subdivision boundaries.
- A. Street Names.** New streets shall be named in conformity with the Clinton County Addressing System. If a street is a continuation of a named street or is in alignment



with an existing street, as determined by the County Engineer, the extension of the street shall bear the same number of the existing street.

**B. Street Surfacing.**

1. Street surfacing shall be provided within the jurisdiction of a city in accordance with the street standards established by the city, but in no case shall the standards be less than established herein.
2. Beyond the jurisdiction of a city, surfacing shall be in accordance with Section 4.1 and:
  - a. An urban-type cross section with portland cement concrete curb and gutter with 25 feet from back of curb to back of curb may be required by the Board of Supervisors where lots are less than 15,000 square feet in area; where lots have a frontage of 150 feet or less; where the County deems it necessary to control the drainage; or where the density of population and anticipated traffic volumes would warrant such cross section; or
  - b. A rural cross section utilizing swales in lieu of curb and gutter may be allowed by the Board. Surfaced roadways of not less than 24 feet in width shall be constructed on a 30-foot wide subgrade top. Foreslope, backslopes and width and depth of ditches shall be in accordance with current county standards for similar work.

**C. Street Dedication and Maintenance.**

1. No road or street shall be accepted by the County unless it meets the design standards established by this section and all other design standards established by the County.
2. Dedication of half-streets will not be approved, except where it is essential to the reasonable development of a subdivision and in conformity with all other requirements of this section, or where it is found that it will be impracticable to require dedication of the other half when the adjoining property is subdivided, or where it is necessary to acquire the remaining half by condemnation.

**D. Secondary Access.** Secondary access shall be provided for any development projected to generate more than 300 trips per day.

**3.4.4 Traffic Control.** Traffic control devices shall be provided for new development pursuant to standards adopted by the County.



### 3.4.5 Sidewalks, Walkways and Crosswalks.

- A. Sidewalks or pedestrian walkways shall be required along collector and arterial streets within 1,320 feet of a school site, park or library.
- B. Crosswalks to provide pedestrian access across long blocks may be required by the Board across any block longer than 1,320 feet, and shall be required at the end of all cul-de-sac streets located within 1,320 feet of a school site, park or library.
- C. Sidewalks shall be concrete and designed to comply with the Americans with Disabilities Act, provided that the Board may approve a different standard for walkways across private property.
- D. All required sidewalks, walkways and crosswalks shall be located within a right-of-way or access easement.

### 3.4.6 Access Standards.

- A. Proper access design and location are essential to the maintenance of safe, efficient traffic flow. Access standards shall apply to all development to prevent the proliferation of poorly spaced driveways that can reduce the safety and carrying capacity of community streets.
- B. Except as expressly provided below, no zoning permit shall be issued for any lot or parcel which does not abut a public street or an approved private street, or have access by a recorded access easement. (Amended 11/22/2000-Ord 2000-06)
  - 1. Private driveways may be allowed as an interim condition between construction and acceptance by the County.
  - 2. Permanent private drives [easement shown on plat] may access up to 6 dwellings, provided that plat notes shall advise all property owners that they are responsible for maintenance.
  - 3. All private drives and roadways shall be designed and constructed to provide adequate emergency access.
- C. Driveways shall be constructed to the following standards:
  - 1. The minimum driveway width for single family residences shall be 12 feet and the maximum driveway width shall be 25 feet.
  - 2. Excepting driveways serving a single residence in an A-1, AR-1 or R-1 district, driveways adjacent to paved roads shall provide an asphalt or concrete driveway approach from the property line to the roadbed edge.





3. All multifamily, commercial and industrial development shall be accessed by at least 1 driveway 24 feet in width that is paved with either asphalt or concrete.
4. The minimum driveway spacing standards shall comply with Exhibit 3.6.

**Exhibit 3.6: Driveway Standards**

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and Intersecting Streets
Local Street	No minimum	75 ft.
Minor Collector	200 ft.	150 ft.
Major Collector	300 ft.	150 ft.
Arterial	1,000 ft.	300 ft.

- A) Access separation between driveways shall be measured from centerline to centerline.
- B) Access separation between a driveway and intersecting street shall be measured from the centerline of the driveway and the nearest point of curvature of the intersecting street.
- C) Where channelized turns are provided for intersecting streets or driveways, the County Engineer shall determine the appropriate separations.

**3.4.7 Private Streets.** The County may approve private streets for a subdivision. Such streets shall be built to County standards. The County will not maintain private streets. The applicant may be required to post a maintenance bond for private streets in conformance with Section 2.8.3 of this document. A homeowner's association, or other appropriate entity, shall be established to ensure the ongoing maintenance of private streets.

**3.4.8 Easements.** Easements for utilities, drainage, access and other public purposes shall be provided as recommended by the County Engineer and required by the Board.

# CHAPTER IV: IMPROVEMENTS REQUIRED

**4.1 ADEQUATE PUBLIC FACILITIES REQUIRED.** Land proposed for development shall be served by public facilities and services which are adequate to support the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and streets. Public facilities shall be provided in a manner that is consistent with the Master Plan, this code and other standards adopted by the County.

**Exhibit 4.1: Public Improvement Requirements**

Facilities/ Improvements	Zoning District						
	A-1	AR-1	R-1	R-2	C-1	C-2	M-1 & M-2
Legal Access	✓	✓	✓	✓	✓	✓	✓
Grants of Rights-of-Way and Easements	✓	✓	✓	✓	✓	✓	✓
Paved Access							
Arterial		✓	✓	✓	✓	✓	✓
Collector Road				✓	✓	✓	✓
Local Road				✓	✓	✓	✓
Chip Sealed Access							
Arterial	✓						
Collector Road		✓	✓				
Local Road							
Gravel/Dirt Access							
Arterial							
Collector Road	✓						
Local Road	✓	✓ <sup>1</sup>	✓ <sup>1</sup>				
Curbs, Gutters & Sidewalks				✓ <sup>2</sup>			
Electricity	✓ <sup>3</sup>	✓	✓	✓	✓	✓	✓
Wastewater							
Centralized Service				✓ <sup>4</sup>		✓ <sup>4</sup>	✓ <sup>4</sup>
On-Site Systems	✓	✓	✓				



Facilities/ Improvements	Zoning District						
	A-1	AR-1	R-1	R-2	C-1	C-2	M-1 & M-2
Water Centralized Service Community Well		✓ <sup>6</sup>	✓ <sup>5</sup>	✓		✓ <sup>6</sup>	✓ <sup>5</sup>
Local Park & Rec. Facilities				✓ <sup>7</sup>			
Fire Protection Fire Flow <sup>8</sup> 2.5-Mile Radius			✓	✓ ✓ <sup>9</sup>		✓	✓

**Notes for Improvements Standards Matrix**

- 1) Local roads need not be paved or chip-sealed unless the average daily trip counts on the roadway is projected to exceed 400 trips. For local roads projected to carry more than 400 vehicles per day at full development, the County will determine the most appropriate surface.
- 2) Requirements for these improvements may be waived by the County along local streets and where the minimum lot size is ½ acre or more.
- 3) Connection to public electric utility is required if service is available. However, alternative sources of power may be provided.
- 4) On-site disposal systems may be authorized by the County, provided centralized water service is not available and no wastewater facilities are located within 1,250 feet of the proposed development. If centralized water service is provided, the County Board of Health may approve the use of on-site systems on lots smaller than 2 acres.
- 5) Centralized service requirements may be waived by the County Board of Health for developments with a minimum lot size of 2 acres, provided the applicant demonstrates the availability of safe and adequate water for the proposed use.
- 6) Only one well serving domestic needs is allowed per subdivision unless otherwise approved by the Board of Health.
- 7) Local parks are not required for any development with a minimum lot size of 2 acres or more. The County may provide for contribution of a fee-in-lieu of dedication applicable to small scale developments.
- 8) Where centralized systems are unavailable or inadequate to provide required fire flow, the applicant will be required to construct and dedicate a standpipe or other suitable water source for fire protection as approved by the County.
- 9) Proximity to a fire station may be increased to 10 miles, provided the minimum lot size is 2 acres or more or the applicant provides a stand pipe or water tower sufficient to sustain minimum fire flow requirements.



- A. New development shall provide adequate facilities and services to accommodate demands from proposed development in conformance with the minimum standards established in Sections 4.1 through 4-10 of these regulations.
- B. Unconstructed improvements shall be bonded prior to the recording of the plat in conformance with Section 2.8.3.
- C. New development shall be phased at a pace that will ensure the adequate provision of community facilities and services for proposed and future development.
- D. Each phased development project shall be designed so that the project is capable of functioning effectively and independently at completion of each cumulative phase.
- E. Adequate roadway facilities shall be provided concurrently with new development and shall be designed and constructed in conformance with applicable County standards.
- F. All required facilities shall be installed and approved by the County prior to issuance of a zoning permit, except sidewalks.
- G. If adequate public facilities are not available, the Board may:
  - 1. Disapprove the application; or
  - 2. Approve the application on the condition that the applicant voluntarily reduces development intensity, phases in development as facilities become available, provides for adequate on-site and off-site public facilities, and/or mitigates the impacts of facility deficiencies to the satisfaction of the Board.

## 4.2 WASTE WATER DISPOSAL SYSTEMS

### 4.2.1 Public Wastewater Systems.

- A. **Generally.** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment as follows:
  - 1. Centralized wastewater collection and treatment shall be required for any new development of lots in residential districts that are smaller than 2 acres and any manufactured home park allowing more than one unit per two acres.



2. Centralized wastewater collection shall be required for all development of lots smaller than 2 acres that is located within 1,250 feet of an existing wastewater system which can provide adequate service.
  3. On-site disposal systems may be authorized by the County for lots of 2 acres or larger, provided: a) no wastewater facilities are located within 1,250 feet of the proposed development; and b) subject to a satisfactory perc test conducted by a competent professional.
  4. If centralized water service is provided, then the County Board of Health may recommend, and the Board of Supervisors may approve, the use of on-site systems on lots smaller than 2 acres, subject to the provisions of Section 4.2.1A.3.
- B. Design Standards.** All wastewater systems shall be designed and constructed to comply with state and American Public Works Associations (APWA) Standards as modified by these regulations.
1. These design standards are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where recommended by the County Engineer and County health department.
  2. Sanitary sewer systems shall be designed and built for the ultimate tributary population. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Design flows shall be subject to approval of the County Engineer for each particular development.
- C. Off-Site Improvements.** The developer of a parcel shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Administrator may authorize development to proceed if the service provider certifies that the necessary capital improvements have been funded for construction within 2 years of plat recordation. In no event shall a zoning permit be granted prior to connection to an approved wastewater system unless the Board has approved an interim service plan
- D. Extension/Oversizing.** Upon recommendation of the County Engineer and the Commission, the Board may require that wastewater lines be over-sized to accommodate planned development.
- E. Wastewater System Easements.** The property owner shall dedicate adequate easements to accommodate all wastewater system facilities required to serve new



development, except individual service lines. The Administrator shall identify the location and dimensions of required easements, but in no instance shall an easement be narrower than 10 feet in width. Easements should follow property lines to the greatest extent possible.

#### 4.2.2 Private (On-Site) Wastewater Systems.

- A. **Generally.** Where on-site sewage disposal systems are to be installed, they shall be subject to County approval and in compliance with applicable State regulations.
- B. **Permit Required.** Any person who desires to install, add to, alter, expand or repair a private waste treatment system shall make a written application on forms provided by the Clinton County Health Department. No person shall install, add to, alter, expand or repair a private waste treatment system without a valid permit issued by the County.
- C. **Failure to Comply with Stop Work Order.** Failure to comply with a stop work order or other lawful order of the County Health Department issued pursuant to this Section is a violation of these regulations.
- D. **One Residence Per Individual On-Site System.** Only one residence shall be connected to an individual on-site sewage treatment system, except that the Administrator and County Health Department may jointly authorize connection of additional units upon finding that the system can accommodate all uses.
- E. **When Private Waste Treatment System Constitutes a Public Nuisance.** Any private waste treatment system installed, added to, altered, expanded or repaired in violation of this Section and the rules and regulations of the County or State is a threat to the health, safety and welfare of the County and is a public nuisance.
- F. **Private Waste Treatment, Issuance of Permit.** The County Health Department shall issue the appropriate permit in compliance with this Section and any rule or regulation adopted pursuant to this Section, and payment of the appropriate fee.
- G. **Private Waste Treatment, Standards.** All private waste disposal systems shall be installed, altered, expanded, repaired or operated according to State regulations and the following standards:
  - 1. **Not Create a Public Nuisance.** The location and installation of private waste disposal systems shall be such that with reasonable maintenance, the private waste disposal system will function in a sanitary manner and will not create a nuisance, health hazard or endanger the safety of any domestic water supply.



2. **Factors Considered.** When reviewing an application for a subdivision with individual waste treatment systems, consideration shall be given to the size and shape of the lots, slope of natural and finished grade, soil type and classification, depth of ground water, bedrock, or any limiting layer, proximity of existing or future water supplies and possible expansion of the system.
3. **Designed to Receive All Sewage.** The systems shall be designed to adequately receive all sewage from the dwelling. Footing or roof drainage shall not enter any part of the systems.

**4.3 WATER.** As-built drawings for water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to served the project shall be limited to horizontal location and size of water lines and location and description of valves with dimensional ties as may be required by the County Engineer.

- A. **Centralized Service Required.** All new buildable lots shall be connected to a centralized public water system which is capable of providing water for health and emergency purposes, including adequate fire protection as required in Exhibit 4.1. Centralized water facilities shall be designed in accordance with Iowa Design Standards and requirements of the DNR for public and non-public water supplies, as applicable. Except within the A-1 district, all lots of a subdivision shall be served by a common well except as approved by the Board of Supervisors after consideration of the recommendation of the Board of Health.
- B. **Fire Flow Requirements.** Where centralized systems are unavailable or inadequate to provide required fire flow, the applicant may be required to construct and dedicate a standpipe or other suitable water source for fire protection as approved by the County. Fire Departments shall be consulted for recommendations on alternative standards for individual projects.
- C. **Exceptions.** The Administrator and Commission may recommend and the Board may approve subdivisions which do not comply with the requirements in Exhibit 4.1 , subject to the following conditions:
  1. The Board finds that the proposed development:
    - a. will be adequately served for normal water demands;
    - b. will not pose a threat to life or property within or adjacent to the proposed development due to inadequate fire protection; and



- c. will not impede the logical extension of services to serve growth in the County in accordance with the Master Plan.
  - 2. For Urban Residential development, a fire station shall be available within a 2.5 mile radius, provided however, that this radius may be increased to 10 miles if the minimum lot size is 2 acres or more.
  - 3. Individual wells may be used to provide water to development with a minimum lot size 2 acres in any district, provided the applicant demonstrates the availability of water for domestic use.
- D. **Off-Site Improvements.** The developer shall provide for on-site and off-site improvements required to adequately serve a proposed development, provided, however, that the Administrator may authorize development to proceed if the water provider certifies that the necessary capital improvements have been funded for construction within 2 years of map recordation. In no event shall a zoning permit be granted prior to connection to an adequate approved water supply.
- E. **Extension/Oversizing.** Upon recommendation of the Administrator and the Commission, the Board may require that water lines be oversized and be phased in coordination with the pace of new development to ensure the development will be adequately served by community facilities and services.
- F. **Water System Easements.** The applicant shall dedicate adequate easements to accommodate all water system facilities required to serve new development, except individual service lines. The Administrator shall identify the location and dimensions of required easements, but in no instance shall an easement be narrower than 10 feet in width. Easements should follow property lines to the greatest extent possible.

## 4.4 STORMWATER MANAGEMENT

**4.4.1 Purpose.** The purposes of these stormwater management provisions are to protect life and property from reasonably preventable flood hazards; protect the quality of surface waters from contamination; and to minimize loss of valued wildlife by preserving habitat and linkages between wildlife habitat areas. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The County may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development to achieve these purposes.





**4.4.2. Design Standards.** Stormwater systems, designed to APWA Standards, shall be provided for all suburban and urban residential development.

- A. Where appropriate, natural drainageways shall be retained to minimize interference with potential floodwater conveyance, floodwater storage, wetlands, and both surface and subsurface hydrology. The Administrator may recommend approval of modifications to natural channels that are consistent with the other provisions of this plan.
- B. Storm sewers, where required, shall be designed and built to APWA Standards.
- C. On-site stormwater detention basins shall be required where needed to protect public or private property from increased volumes or velocity of stormwater runoff.
- D. Erosion and sedimentation controls shall be required during and after new construction as needed to prevent increased erosion or increased deposits of material downstream from the development.
- E. Development design shall accommodate large floods and smaller, more frequent floods along major and minor waterways.
- F. Stormwater systems shall be designed to minimize future operational and maintenance expenses.
- G. Stormwater systems shall be designed to reduce the exposure of streets, utilities and other public facilities to damage from stormwater.
- H. Development design shall provide at least one all-weather access to every parcel designed to remain open during the 100-year storm event.
- I. Stormwater drainage easements shall be provided where necessary for maintenance of the stormwater facility, as determined by the County Engineer.

**4.5 INSPECTIONS.** All required improvements shall be inspected in a manner approved by the Board. The applicant shall bear all the costs of inspections.

## **CHAPTER V: GENERAL PROVISIONS**

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- 5.1 FEES.** Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for all applications. The amount of the fees charged shall be as established by resolution of the Board.
- 5.2 ENFORCEMENT.** In addition to other remedies and penalties prescribed by the law, the provisions of these regulations shall be enforced as follows:
- A. No plat or subdivision within the unincorporated areas of the county shall be recorded or filed, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations and has been submitted to the County Board of Supervisors for approval as prescribed herein, and if applicable, the Council of the city having jurisdiction over the platted area.
  - B. The provisions of these regulations shall apply to all land, property and development in the unincorporated area of Clinton County, Iowa, except as otherwise provided in these regulations.
- 5.3 VIOLATIONS CONTINUE.** All violations of prior subdivision that have accrued in the County as of the effective date of this Section, shall continue to be violations and shall not be considered to be legal nonconforming situations under this Section. The County shall have the same authority to secure civil remedies for violations of such regulations to the same extent that it may secure civil remedies for violations of the Clinton County zoning Ordinance pursuant to Section 10.3.
- 5.4 EFFECTIVE DATE.** The provisions of this Section were adopted and became effective on the 10th day of March, 1999.

## CHAPTER VI: DEFINITIONS

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**6.1 RULES OF INTERPRETATION.** For the purpose of interpretation of this ordinance, the following rules of language shall apply:

- A. the particular controls the general;
- B. in case of difference of meaning or implication between the text of the Code and the captions for each section, the text shall control;
- C. the word "shall" is always mandatory. The word "may" is permissive and is at the discretion of the Board of Supervisors, Zoning Commission, Board of Adjustment or the Administrator, as the context may require;
- D. words used in the present tense include the future; words in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary; and
- E. all words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

**6.2 DEFINITIONS.** The following terms are supplementary to the definitions in Chapter II of the Zoning Ordinance.

**Administrator.** The Clinton County Zoning Administrator or designee of the Administrator.

**Alley.** A permanent public service way or right-of-way, designed to provide a secondary means of access to abutting property.

**Auditor.** The County Auditor of Clinton County, Iowa.

**Board.** The Board of Supervisors of Clinton County, Iowa.

**Building Line.** A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirements established in the zoning ordinance, and where they do not, the most restrictive requirement will apply.

**Collector Road.** A street or road intended to carry vehicular traffic from residential or local streets to arterial streets.

**Commission.** The Planning & Zoning Commission of Clinton County, Iowa.

**County.** Clinton County, Iowa.



**Cul-de-sac.** A short minor road having one end open to motor traffic, and other end being terminated by a vehicular turnaround.

**Easement.** Authorization of by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Final Plat.** The map or drawing, on which the subdivision plan is presented in the form which, if approved by the Board and Planning & Zoning Commission, will be filed and recorded with the County Recorder.

**Lot Splits.** The division of a single lot into 2 lots.

**Original Parcel.** A quarter of a quarter section (40 acres), government lot, or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before May 8, 1964.

**Preliminary Plat.** A study, or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Board and Planning & Zoning Commission for consideration.

**Residential Street or Local Road.** A road used primarily for access to abutting property and includes area service roads as defined by the Iowa functional roads and streets classification system.

**Right-of-Way.** The area measure between property lines, dedicated to and accepted for public use and providing access to abutting properties.

**Road or Street.** A right-of-way other than an alley dedicated or otherwise legally established to and accepted for the public use, usually affording the principal means of access to abutting property. A road may be designated as a street, highway, thoroughfare, parkway, avenue, lane, drive, place or other appropriate designation.

**Street, (Arterial).** A thoroughfare that links communities and urban centers and that carries high volumes of traffic at relatively high speeds. See adopted Master Plan.

**Street, (Local).** A thoroughfare that provides access to individual lots and that carries low volumes of traffic at low speed. See adopted Master Plan.

**Street, (Major Collector).** A thoroughfare that links important uses within the County to each other, carries moderate volumes of traffic at low speeds and collects the traffic from local streets. See adopted Master Plan.



**Street, (Minor Collector).** A thoroughfare that links local roads, carries low volumes of traffic at low speeds and collects traffic from local streets. See adopted Master Plan.

**Subdivider.** Any person, firm, corporation, partnership, or association who shall layout, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.

**Subdivision.** The accumulative effect of dividing an original lot, tract, or parcel of lands, as of May 8, 1964 into 2 or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any lot not in compliance with the provisions of the subdivision definition at the time of its effective date (July 6, 1992) shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

## CHAPTER VII: ADOPTION

- 7.1 AMENDMENTS.** This Ordinance may be amended from time to time by the Board of Supervisors. Such amendments as may be proposed shall first be submitted to the Planning and Zoning Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Board shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.
- 7.2 REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance, particularly the Zoning Ordinance of Clinton County adopted on the 8th day of May, 1964, and amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- 7.3 VALIDITY.** Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.
- 7.4 EFFECTIVE DATE.** This Ordinance shall be in effect from and after its adoption and publication of this summary as required by law.

<sup>10<sup>TH</sup></sup> *[Signature]*  
PASSED THIS 8<sup>TH</sup> DAY OF MARCH, 1999.

*[Signature]*  
Lewis L. Todtz

*[Signature]*  
Ross E. Spooner

*[Signature]*  
Jill M. Davison, Chair  
Clinton County Board of Supervisors

ATTEST:

*[Signature]*  
Charles A. Sheridan  
Clinton County Auditor



Clinton County Subdivision Ordinance Amendments

Section 2.2.5 (B) (18)

- (vi) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an office authorized to take the acknowledgment of deeds as provided in Code of Iowa 354.12(2). (Amended 11/22/2000-Ord 2000-06)
  
- (vii) A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Code of Iowa Section 354.12. (Amended 11/22/2000-Ord 2000-06)

Section 3.3.2 (C)

**Single-Family Lots Less Than 10 Acres.**

Single family lots smaller than 10 acres shall be deeper than wide, with a depth to width ratio of not greater than 3:1. This requirement may be waived by the person or body with approval authority subject to finding that the applicant has demonstrated that the lot can be effectively developed for its intended use without:

1. Creating unsafe or excessive access to public roads;
2. Impinging on the existing and planned use of adjacent property, or;
3. Precluding safe and convenient access to adjacent property.

(Amended 11/22/2000-Ord 2000-06)