



CLAY COUNTY IOWA



*Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa*



CLAY COUNTY IOWA

2011 SUBDIVISION REGULATIONS ORDINANCE

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ORDINANCE NO. _____

REPLACES THE 1996 CLAY COUNTY
SUBDIVISION REGULATIONS ORDINANCE
AND AMENDMENTS THERETO

**SUBDIVISION REGULATIONS ORDINANCE FOR THE
UNINCORPORATED AREA OF CLAY COUNTY, IOWA**

AN ORDINANCE prescribing minimum requirements for the design and development of new subdivisions and re-subdivisions of land in the unincorporated area of Clay County; providing for the enforcement of these regulations; for the repeal of all other ordinances or resolutions in conflict herewith; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health, and general welfare of the public following the intent set forth in the comprehensive plan of Clay County, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting – Division and Subdivision of Land.

WHEREAS, The Board of Supervisors of Clay County, Iowa deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, private and public water supply, on-site private and public sanitary sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the county.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CLAY COUNTY, IOWA:

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Interpretation of this Ordinance
- Section 1.4. Jurisdiction
- Section 1.5. Application
- Section 1.6. Conformance to the Comprehensive Plan
- Section 1.7. Restrictive Covenants
- Section 1.8. Subdivision Classification
- Section 1.9. Recording of Plat
- Section 1.10. Auditor's Plat
- Section 1.11. Plats in Unincorporated Areas within 2 Miles of the Corporate Limits of Cities and Towns

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as the “Clay County Subdivision Regulations” to the same effect as if the full title were stated.

Section 1.2. PURPOSE.

It is deemed essential to establish minimum standards for the design and development of all new subdivisions and resubdivisions of land, so that existing land uses and developments will be protected and so that adequate provisions are made for public utilities and other public requirements, to insure growth occurs in an orderly manner consistent with the comprehensive plan, and to improve the public health, safety, and general welfare of the citizens of Clay County.

Section 1.3. INTERPRETATION OF THIS ORDINANCE.

In the interpretation and application of the provisions of this ordinance, such provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the county.

Section 1.4. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the Board of Supervisors of Clay County, Iowa, governing the subdivisions of all lands within the unincorporated areas of the county and all lands within the extraterritorial jurisdictional area of the municipalities in Clay County. It shall be unlawful for any person being the owner, agent or person having control of any land within Clay County and the extra-territorial plat jurisdiction of a municipality to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall be submitted to the Board of Supervisors for approval or disapproval.

Section 1.5. APPLICATION.

Every owner of any tract or parcel of land which has been subdivided or any owner who shall hereafter subdivide or plat land into more than three (3) parts, for the purposes of laying out an addition, subdivision, building lot or lots, acreages or suburban lots within the county shall cause plats to be made in form and containing the information hereinafter set out. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided

and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

Section 1.6. CONFORMANCE TO THE COMPREHENSIVE PLAN.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform to recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Section 1.7. RESTRICTIVE COVENANTS.

The subdivider may, at their own expense, restrict the use of premises contained in a subdivision plat by means of restrictive covenants. Any such covenants shall be included as deed restrictions on the final plat. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the county, and insure conformance of the subdivision plans with the capital improvements program, comprehensive plan or transportation plan, the Board of Supervisors may deem these grounds for disapproval of the subdivision plat.

Section 1.8. SUBDIVISION CLASSIFICATION.

Any proposed subdivision or resubdivision shall be classified as either a minor subdivision or a major subdivision by the Zoning Administrator. To aid in this, the proprietor shall submit in written or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the proprietor's request.

Section 1.9. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within Clay County, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the Clay County Board of Supervisors it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Auditor within thirty (30) days.

Section 1.10. AUDITOR'S PLATS.

With regard to Auditor's plats as distinguished from proprietor's plats the Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations providing there is on file with the Board of Supervisors a copy of the request of the Clay County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which he has ordered the plat.

Section 1.11. PLATS IN UNINCORPORATED AREAS WITHIN 2 MILES OF THE CORPORATE LIMITS OF CITIES AND TOWNS.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and towns and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities and towns. With regard to subdivisions located in the corporate limits of cities and towns having planning commissions established in accordance with Chapter 414, Code of Iowa, the provisions of this ordinance shall not apply. However, the Planning Commission and the city or town council may agree to waive such requirements as are contained in their local ordinances to the end that the commission and council are satisfied that equally suitable regulations shall be placed on these subdivisions by the Clay County Board of Supervisors under the provisions of this ordinance. In such instance, the Clay County Board of Supervisors shall furnish the city or town planning commission with a copy of said subdivision, as approved, certifying that all requirements of the Clay County Subdivision Ordinance have been met.

ARTICLE II Definitions

Article II: Definitions

Section 2.1. Definitions

Section 2.1. DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is always mandatory, the word may is permissive.

- 2.1 *Access Street* – A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from traffic.
- 2.2 *Aliquot part* – A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
- 2.3 *Alley* – A public right-of-way, other than a street, affording secondary means of access to abutting property.
- 2.4 *Auditor's plat* – A subdivision plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
- 2.5 *Block* – An area of land within a subdivision that is entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and all the exterior boundary or boundaries of the subdivision.
- 2.6 *Board* – The Clay County Board of Supervisors
- 2.7 *Building Line (Setback Line)* – A line on a plat between which line and public right-of-way line no buildings or structures may be erected. Building lines shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by the zoning ordinance.
- 2.8 *County Engineer* – Any person, firm or registered professional engineer designated by the Board of Supervisors to serve in such capacity.
- 2.9 *Comprehensive Plan* – Is the general plan for development of the county which may be titled master plan, comprehensive plan, or some other title, and has been adopted by the Board of Supervisors.
- 2.10 *Commission or Planning Commission* – The Clay County Planning and Zoning Commission.
- 2.11 *Collector Streets* – Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- 2.12 *Cul-de-sac* – A short, dead-end street having one end open to motor traffic, the other end being permanently closed to through traffic being terminated by a vehicular turnaround.

- 2.13 *Develop* – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
- 2.14 *Developer* – Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
- 2.15 *Easement* – A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land. A grant by the property owner of the use of a strip of land by the general public, a corporation, or a certain person or persons and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Utilities shall have the right to trim or remove trees which interfere with the use of such easements.
- 2.16 *Engineer* – A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
- 2.17 *Half Street* – A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the county for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
- 2.18 *Highway* – A major street which carries a large volume of traffic (state/federal routes).
- 2.19 *Improvements* – Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.
- 2.20 *Local Street*: A service street used primarily for access to abutting property.
- 2.21 *Lot* – A portion of a subdivision or other parcel of land which is intended for the purpose, whether immediate or future, offered for sale, conveyance, transfer of ownership, improvement or for building development.
- 2.22 *Major Subdivision* - All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
- 2.23 *Major Street or Thoroughfare* – A street used primarily for fast or large volume traffic.
- 2.24 *Metes and Bounds Description* – A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
- 2.25 *Minor Plat* – A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the proprietor to save time and expense in reaching a general agreement as to the form of the plat.
- 2.26 *Minor Subdivision* – Any subdivision that creates not more than three (3) parcels fronting an existing road, not involving any new road or street or the extension of utilities, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance may be

classified as a minor subdivision and must meet the appropriate provisions of this ordinance.

- 2.27 *Official Plat* - Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the county and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
- 2.28 *Outlot* - A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot shall be an unbuildable lot, in and of itself. Typically a proprietor may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future dedication of a detention basin to the county or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.
- 2.29 *Owner* - The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to act on its behalf.
- 2.30 *Parcel* – A part or tract of land.
- 2.31 *Performance Bond* – A surety bond or cash deposit made out to the county in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the County Engineer, and surety bond or cash deposit being legally sufficient to secure to the county that said improvements will be constructed in accordance with this ordinance.
- 2.32 *Plat* – A map, drawing, or chart on which the developer's or subdivider's plan of the subdivision is presented and which the developer submits for approval and intends to be recorded in final form.
- 2.33 *Proprietor* – A person who has a recorded interest in land, including a person selling or buying land pursuant to contract, but excluding persons holding mortgage, easement, or lien interest.
- 2.34 *Proprietor's Plat* – A plat as defined herein submitted by the owner of the land being platted, or the owner's agent, or other private entity, acting with the consent of the owner.
- 2.35 *Resubdivision* – Any subdivision of land that has previously been included in a recorded plat. In appropriate context, the term may be used as a verb referring to the act of preparing a plat of previously subdivided land.
- 2.36 *Right-of-Way* – The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
- 2.37 *Roadway* – That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
- 2.38 *Street* – Public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

- 2.39 *Street, Dead End* – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
- 2.40 *Subdivider* – The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner’s behalf.
- 2.41 *Subdivision* – A division of any lot, tract or parcel of land into three (3) or more lots, parcels or other divisions of land for the purpose, whether immediate or future, of future sale or transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land hereto for divided or platted into lots or other divisions of land; or if a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any lot shall also be deemed a subdivision; and as further defined in Chapter 354, Code of Iowa.
- 2.42 *Subdivision Plat* – Is a graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
- 2.43 *Surveyor* – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.
- 2.44 *Tract* – Means an aliquot part of a section, a lot within an official plat, or government lot.
- 2.45 *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE III

Minor Subdivision Procedures and Requirements

Article III: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a Major Subdivision (Preliminary and Final Plats), a land owner, developer, subdivider or proprietor may be allowed to utilize a “Minor Subdivision” procedure provided the request conforms to the definition contained herein and the classification process outlined in Section 1.8.

Section 3.1. MINOR PLAT REQUIREMENTS.

The proprietor shall prepare the proposed minor subdivision plat and shall furnish to the County Auditor all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The minor plat submitted shall contain the names and addresses of persons within 500 feet of the proposed subdivision to which a notice of public hearing will be sent. No plat shall be considered or acted upon by the Board of Supervisors without affording a public hearing thereon, notice of the time and place of which shall be sent by mail to such addresses not less than ten (10) days before the date fixed therefore. Said plat shall contain such information as required by this ordinance, specifically the requirements in Section 5.2 and Section 5.3 of Article V – Final Plat Procedures & Requirements; or as may be specified by the Code of Iowa or the Zoning Administrator.

Section 3.2. REVIEW BY AGENCIES.

The County Auditor shall place the plat on the upcoming Board of Supervisors meeting agenda and immediately thereafter forward copies of the submitted plat to the Chairperson and remaining Board members, County Engineer, Zoning Administrator, County Attorney and to such other agencies or persons as may be deemed appropriate and necessary. By the first of the following month, the following reviews shall be completed:

1. The County Engineer shall notify the Auditor that access onto a county road or highway can or cannot be provided and that other required improvements are or are not present.
2. The County Engineer shall notify the Auditor that the land so proposed to be subdivided will comply with all applicable Clay County and State of Iowa standards, and that the proposed or existing system of public improvements complies with applicable standards.
3. Other agencies or persons shall inform the Auditor on factors deemed appropriate and necessary.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within thirty (30) working days following the date of receipt of an application, or such additional period as the proprietor may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the Board of Supervisors. The Board shall act upon the Minor Plat not more than sixty (60) days after the initial receipt by the County Auditor.

2. The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to considering the minor plat. If approved by the Supervisors, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the Supervisors shall state in writing how the proposed plat is objectionable.
3. The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval for the area shown on the minor plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the county shall recognize the plat as being in full force and effect. The proprietor shall record the plat within sixty (60) days after the supervisor's approval and shall be responsible for all recording costs. In addition, one (1) copy of the approved Minor Plat and adopting resolution as well as the completed plat proceedings with any restrictive covenants shall be submitted to the Zoning Administrator by the proprietor.

ARTICLE IV

Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data

- Section 4.1. Application Procedures
- Section 4.2. Advisory Meeting with Planning and Zoning Commission
- Section 4.3. Preliminary Plat Procedures
- Section 4.4. Requirements of Preliminary Plat

Section 4.1. APPLICATION PROCEDURES.

The subdivider shall make improvements and shall submit preliminary plans and final plats, all in accordance herewith.

Section 4.2. ADVISORY MEETING WITH PLANNING AND ZONING COMMISSION.

Whenever the owner of any tract or parcel of land within the unincorporated area of Clay County shall make or intend to make a subdivision of the same, the subdivider shall, before preparing a preliminary plat, meet and consult informally with the County Planning and Zoning Commission and County Engineer to become familiar with all the subdivision requirements and all applicable zoning regulations.

Section 4.3. PRELIMINARY PLAT PROCEDURES.

In obtaining preliminary approval of a proposed subdivision and/or development by the county, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the County Planning and Zoning Commission ten (10) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance and required supplementary material. The Planning and Zoning Commission shall refer one copy to the County Engineer and the County Attorney for review and consideration.
2. The County Engineer shall examine said plat as to its compliance with the laws and ordinances of the county, the existing street system, sound engineering practices, and shall, as soon as is possible, submit their findings to the Planning and Zoning Commission.
3. After receiving the County Engineer's report the Planning and Zoning Commission shall study the preliminary plat and other material for conformity to the minimum standards and requirements as outlined in these regulations. The Planning and Zoning Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plat, the Planning and Zoning Commission shall conclude its study of the preliminary plat; at its discretion hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the County and according to State statute. The Planning and Zoning Commission shall transmit all copies of the preliminary plat along with its recommendations to the Board of Supervisors within sixty (60) days after the date of submission thereof. Recommendations shall include approval, disapproval or suggestions for modification and reasons thereof. Said recommendations shall be of an advisory nature only. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to have been approved, and shall receive due consideration by the Board of Supervisors.

4. If approved, the Planning and Zoning Commission shall express such approval in its minutes. If disapproved, the Planning and Zoning Commission shall express its disapproval and its reasons therefore to the subdivider in its minutes. The action of the Planning and Zoning Commission shall be forwarded to Board of Supervisors.
5. Following a public hearing with the required notifications, and due consideration of the preliminary plat, the Board of Supervisors shall approve, disapprove or modify the recommendations of the County Planning and Zoning Commission and shall impose those requirements or grant those variances in conformance with these regulations deemed necessary and appropriate for final approval. The action of the Board of Supervisors together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and others retained by the County Engineer. The Board of Supervisors shall have approved or rejected the preliminary plat within thirty (30) days after action of the County Planning and Zoning Commission; provided that the subdivider may agree to an extension of time for a period not to exceed sixty (60) days.
6. Upon approval of the preliminary plat by the Planning and Zoning Commission and the Board of Supervisors, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the Board of Supervisors shall be null and void unless the final plat is presented to the Planning and Zoning Commission within one (1) year after date of preliminary approval, unless specifically extended by Board of Supervisors action.
7. Approval of the preliminary plat by the Planning and Zoning Commission and the Board of Supervisors is revocable and does not constitute final plat approval of the subdivision by the Supervisors or the Supervisor's authorization to proceed with construction of improvements within the subdivision.

Section 4.4. REQUIREMENTS OF PRELIMINARY PLAT DATA.

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show, on a map, all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or the subdivider's representative, may call the county in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following information:

1. GENERAL. Title, scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be not less than one hundred feet (100') to one inch (1") (100' = 1"). The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"). Where more than one sheet is required, the sheets shall show the sheet number and total number of sheets in the plat, and match lines indicating where other sheets adjoin.

2. **NAME.** Name of the subdivision that shall not duplicate or resemble existing subdivision names within Clay County.
3. **OWNER.** Name and address of recorded owner and/or developer and the name, address and profession of the person preparing the plan;
4. **KEY MAP.** A vicinity sketch at a scale of not more than five hundred feet (500') to one inch (1") showing the general location of the proposed subdivision in relation to surrounding development or neighborhoods.
5. **NEIGHBORS.** All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads. A list of the names of all owners of record and residents within 500' of the subdivision's boundaries shall be attached.
6. **ACRES.** Acreage of the land to be subdivided.
7. **INFRASTRUCTURE.** The location of all existing or proposed buildings, railroads, underground utilities, and other rights-of-way. The location and manner of providing water supply and sewage treatment facilities.
8. **CONTOUR.** Existing contour lines at intervals of not more than five (5) feet, provided however that a minimum of two (2) contours shall be shown on any plat.
9. **BOUNDARIES.** Boundaries of the proposed subdivision, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
10. **STREETS.** Streets, roads, alleys, highways with their right-of-ways on and adjacent to the tract and their names, widths, approximate grades and other dimensions as may be required. Additionally, a typical cross-section of the proposed streets shall be provided showing the type and width of surfacing, the type of drainage and other improvements to be installed as required by existing county specifications.
11. **LOTS.** Present and/or proposed layout of lots, showing the lot numbers, dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.
12. **PUBLIC USE.** Parcels of land proposed to be dedicated for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, proposed by the subdivider for public or private use or shown for such purpose in the comprehensive plan or other adopted plans.
13. **EASEMENTS.** Existing and proposed easements and their locations, widths, purposes and distances.
14. **UTILITIES.** Present and/or proposed utility systems or services, the location and size or capacity of water supply or mains; sanitary and storm sewers; other drainage or water control

structures including ditches, culverts, drain tiles, bridges and other structures; gas mains; electric utilities; street lighting and telephone utilities; and other facilities.

15. ZONING. The existing and proposed zoning district(s) in which the land to be subdivided is located according to the zoning ordinance;
16. ATTORNEY'S OPINION. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are not outstanding liens or encumbrances on the property. The names of all record title holders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa;
17. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning Commission or Supervisors.
18. FEE. The platting fee, as required by this ordinance and as established by resolution of the Board of Supervisors.
19. ACCOMPANYING MATERIAL.
 - a. Deed restrictions or proposed covenants, if any, to be included in the owner's dedication of the plat;
 - b. Written statement by the appropriate officials of the availability of gas, electricity, water, sewer and other necessary infrastructure to the proposed subdivision;
 - c. Written and signed statements explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required inspections and approvals by the County Engineer.

Upon conditional approval of the preliminary plat, the owner of a subdivision or resubdivision shall not be permitted to sell any lots or develop thereon until a final plat has been approved by the Board of Supervisors and officially recorded with the Clay County Recorder.

ARTICLE V

Final Plat Procedures and Data

Article V: Final Plat Procedures and Data

- Section 5.1. Final Plat Procedures
- Section 5.2. Requirements of Final Plat
- Section 5.3. Final Plat Attachments

Section 5.1. FINAL PLAT PROCEDURES.

In obtaining final approval of a proposed subdivision by the Board of Supervisors, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. The subdivider shall submit to the Planning and Zoning Commission for its approval, disapproval or suggestions for modifications, all plans and information as required by this ordinance, including ten (10) copies of the final plat and supplementary material. The Commission shall refer one (1) copy to the County Engineer for review and recommendation. One (1) copy of the final plat shall be GIS compatible in digital format suitable to the county's current GIS software.
2. The Planning and Zoning Commission shall study and consider the final plat, according to the procedures set forth for preliminary plats in Section 4.3. Within thirty (30) days after receipt of the final plat, the Planning and Zoning Commission shall transmit all copies of the final plat along with its recommendations to the Supervisors. Said recommendations shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendations shall be on an advisory nature only. If the Planning and Zoning Commission does not act within thirty (30) days, the final plat shall be deemed to have received a favorable recommendation in all respects and shall then receive due consideration by the Board of Supervisors.
3. The Board of Supervisors shall then study and consider the final plat, according to the procedures set forth for preliminary plats in Section 4.3. along with the recommendations of the Planning and Zoning Commission and recommendations of the County Engineer. If the same is acceptable and in accordance with this ordinance, the Board of Supervisors shall approve or disapprove the final plat. If said plat is disapproved by the Board of Supervisors, such disapproval shall point out in writing wherein said proposed plat is objectionable. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is granted during said thirty (30) day period.
4. The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval of the platting process of the area shown on the final plat. However, the subdivider or owner shall cause such plat to be recorded in the office of the Clay County Recorder, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto. Furthermore, the subdivider shall also file satisfactory evidence of such recording in the office of the County Auditor before the county shall recognize the plat as being in full force and effect.

5. Final acceptance for recording purposes shall not constitute final acceptance by the county of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

Section 5.2. REQUIREMENTS OF FINAL PLAT.

The final plat shall conform substantially to the preliminary as approved, and may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop. The final plat shall be made from an accurate survey by a registered engineer or surveyor and drawn to a scale of one hundred (100) feet to one (1) inch or larger. The final plat shall show the following:

1. The boundaries of the property, the lines of all proposed streets with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.
2. The lines of adjoining streets and alleys with their width and names.
3. All lot lines, building lines in accordance with the zoning ordinance and easements, with figures showing their dimensions.
4. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.
5. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
6. All surveyor's monuments, together with their descriptions including ties to original government corners.
7. Title and complete legal description of property subdivided, showing its location and extent, points of compass, date, scale of plat, and certification and name of engineer or surveyor staking the lots.
8. Profiles shall be made on mylar of all streets and alleys, fifty (50) feet horizontal scale and five (5) feet vertical scale recommended. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of drawing and profiles of north and south streets shall be drawn so that the north end of the profile shall be a the left side of the drawing.
9. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

Section 5.3. FINAL PLAT ATTACHMENTS.

The final plat shall have the following attached when presented to the County Auditor for filing:

1. DESCRIPTION. A correct legal description or metes and bounds description of the subdivided land.
2. ABSTRACT OF TITLE. A complete abstract of title and the opinion of a practicing attorney showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
3. ATTORNEY'S OPINIONS. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner's name as shown on the plat and showing any encumbrances that may exist against said land.
4. CERTIFICATE OF DEDICATION. A certificate of dedication to the county, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
5. COUNTY TREASURER CERTIFICATE. A certificate from the Clay County Treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat filing.
6. AUDITOR'S FILING CERTIFICATE: A certificate from the County Auditor that acknowledges the documents were filed in the office of the County Auditor.
7. AUDITOR'S APPROVAL CERTIFICATE: A certificate from the County Auditor to approve the designation of the plat as an acceptable subdivision plat title of property.
8. ASSESSOR'S FILING CERTIFICATE: A certificate from the County Assessor that acknowledges the documents were filed in the office of the County Assessor.
9. SURVEYOR'S CERTIFICATE: A certificate from a duly licensed land surveyor for the purpose of subdividing and platting real estate.
10. DRAINAGE PLANS. Drainage plans for the removal of storm water. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural water course. No water course shall be altered so as to divert surface drainage from one watershed to another. Plats shall conform to any and all drainage districts.
11. SATISFACTORY IMPROVEMENTS. An engineer's certificate submitted on behalf of the owner or developer stating that the owner and/or subdivider warrant all required improvements, installation and/or construction by this ordinance in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat for a period of two (2) years from and after the date of acceptance by the county. In lieu thereof, the county may certify that a performance bond, cash payment or letter of credit approved by the county guaranteeing completion has been approved by the County Attorney and filed with the county, or that the governing body has agreed that the county will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

12. RESOLUTION ACCEPTING IMPROVEMENTS. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.

13. FEE. The applicable fee, if any.

ARTICLE VI

Design Standards

Article VI: Design Standards

- Section 6.1. General Requirements
- Section 6.2. Acre Subdivision
- Section 6.3. Streets
- Section 6.4. Alleys
- Section 6.5. Railroads
- Section 6.6. Blocks
- Section 6.7. Lots
- Section 6.8. Character of Development
- Section 6.9. Easements
- Section 6.10.. Plat Markers and Monuments

Section 6.1. DESIGN AND DEVELOPMENT STANDARDS.

The following design standards shall be followed by all developers in subdividing or resubdividing land, except those plats referred to in Article IV, Section 10, Auditor's Plats. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

Section 6.2. ACRE SUBDIVISION.

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

Section 6.3. STREETS.

1. **FRONTAGE OR MARGINAL ACCESS STREETS.** Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Board of Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.
2. **DEAD-END STREETS (CUL-DE-SACS).** Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred feet (500') and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least fifty feet (50') and a radius at the outside of the right-of-way of at least sixty feet (60').
3. **STREET NAMES.** Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board of Supervisors.

4. **STREET ALIGNMENT.** The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
5. **HALF STREETS.** The platting of half streets will not be permitted. Whenever a dedicated or platted half street exists adjacent to the tract to be subdivided, the other half of the street shall be platted.
6. **FUTURE STREETS.** Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares, may at the discretion of the governing body, be made a requirement of the plat.
7. **ACCESS STREETS.** Where a subdivision abuts or contains an existing or proposed major street or highway or arterial street, the Planning and Zoning Commission may require a parallel access street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
8. **STREET OFFSETS.** Streets with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.
9. **PRIVATE STREETS.** Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
10. **DEDICATION OF STREETS.** A dedication to the county shall be given for all streets before the same will be accepted for county maintenance.
11. **STREET RIGHT-OF-WAY.** The dedication of right-of-way for streets measured from lot line to lot line shall meet the following minimum standards. The Planning and Zoning Commission and the Board of Supervisors shall reserve the right to request street right-of-ways at a greater width than indicated if conditions of the site or subdivision demand such. When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way, measured from the center line of the existing roadway shall be dedicated.

Arterial Streets	80-120 feet
Collector Streets	80 feet
Residential Streets	60 feet
Frontage Roads	50 feet
Alleys	20 feet

12. STREET GRADES AND ELEVATIONS. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one half of one percent (0.5%). The Board of Supervisors shall not approve the streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. The Board of Supervisors shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

Streets and alleys shall be completed to grades that have been officially determined or approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level.

<u>Street Type</u>	<u>Percent Grade (maximum)</u>
Main and Secondary thoroughfares	6
Minor or Local Streets	10

13. CURVES IN STREETS.

a. Horizontal Curves. A tangent at least one hundred feet (100') along shall be introduced between reverse curbs on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curve shall be:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Arterial	300 feet
Collector	300 feet
Minor	100 feet

b. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance to two hundred feet (200'), said sight distance being measured from a driver's eyes, which are assumed to be four and one-half feet (4½') above the pavement surface, to an object four inches (4") high on the pavement. Profiles of all streets showing natural and finished grades, drawn to an approved scale, shall be required by the Board of Supervisors.

14. STREET INTERSECTIONS.

- a. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.
- b. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Board of Supervisors may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.
- c. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

Section 6.4. ALLEYS.

Alleys may be required in business areas and industrial districts, and except where justified by unusual conditions alleys will not be approved in residential districts.

1. Alleys may be provided to grant access to the rear of all lots used for commercial and industrial purposes; except that the County Engineer may waive this where other definite and assured provisions have been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
2. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Board of Supervisors.
3. The width of any alley shall be a minimum of twenty feet (20’).
4. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

Section 6.5. RAILROADS.

If a railroad is involved, the subdivision plan should:

1. Be so arranged as to permit, where necessary, future grade separation at highway crossings of the railroad
2. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use
3. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto

Section 6.6. BLOCKS.

1. No block shall be longer than one thousand three hundred twenty feet (1,320’), or less than three hundred feet (300’) except as the Board of Supervisors deems necessary to ensure efficient use of land or desired features of street layout.
2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five feet (25’) unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

Section 6.7. LOTS.

Generally, the lot design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent developments.

1. Relationship to Streets. Each lot shall be provided by means of a public street or acceptable private drive with satisfactory access to a public street.
2. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.

3. Dimensions. The minimum lot dimensions shall be in accordance with the bulk regulations of the zoning ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet.
4. Corner lots. Corner lots shall be of such width as to permit adequate building setbacks on both front and side streets as required by the zoning ordinance.
5. Double Frontage Lots. Double frontage or through lots, other than corner lots, shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use. The front and rear of double frontage lots shall be identified on the plat and no access will be allowed from the rear yard street.
6. Lot Lines. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

Section 6.8. CHARACTER OF DEVELOPMENT.

The Planning and Zoning Commission shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

Section 6.9. EASEMENTS.

1. Except where alleys are permitted for the purpose, the Board of Supervisors shall require easements at least twelve feet (12') in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the Board of Supervisors similar easements shall be provided along such other lot lines as may be required by public and private utility companies.
2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by a utility or the Board of Supervisors.
3. If the Board of Supervisors deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.
4. Utility easements shall convey to the utility provider, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, fiber optic lines, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a safe clearance from the wires or poles.

5. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at their own expense, provide and dedicate to the county an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream so that it will properly carry the surface water and for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, but in no case shall such easement be less than thirty feet (30') plus stream design width and a total width adequate to provide for any channel straightening or relocations.

Section 6.10. PLAT MARKERS AND MONUMENTS.

1. Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points with an iron pin or pipe monument at least thirty inches (30") long, five-eighths (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code.
2. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.
3. Developer shall provide the county with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII IMPROVEMENTS

Article VII: Improvements

- Section 7.1. Installation of Improvements
- Section 7.2. Resubdivisions
- Section 7.3. Suitability of the Land
- Section 7.4. Required Improvements
- Section 7.5. General Requirements for Installation of Utilities
- Section 7.6. Specifications
- Section 7.7. As Built
- Section 7.8. Guarantee
- Section 7.9. Acceptance and Maintenance

Section 7.1. INSTALLATION OF IMPROVEMENTS.

The subdivider shall be responsible for the installation and construction of all improvements required by this ordinance, and shall warrant the design, materials, and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after the date of approval of the final plat. Such warrant shall be by bond or other acceptable collateral subject to review by the County Attorney. It shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the county from any and all costs or losses resulting from, attributed to, etc., such defective improvements.

Before the Board of Supervisors approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board. Before passage of said resolution of acceptance, the County Engineer shall report that said improvements meet all county specifications and ordinances or other requirements and agreements between the subdivider and the county. This requirement may be waived if the subdivider will post a performance bond, letter of credit or certified check with Clay County, guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the county of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. If a performance bond, cash bond or letter of credit is posted, such bond or letter shall be subject to review by the County Attorney prior to acceptance, shall specifically assure the expedient installation and completion of all improvements within the specified construction time period, and shall indemnify Clay County, Iowa, from any and all costs or losses of the development and construction.

The Board of Supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

Section 7.2. RESUBDIVISIONS.

The Board of Supervisors may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.3. SUITABILITY OF THE LAND FOR SUBDIVISION.

If the Board of Supervisors finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if, from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Board of Supervisors shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

1. If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission or Board of Supervisors shall state its reasons in writing and afford the proprietor an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission or Board of Supervisors may re-affirm, modify or withdraw its determination of unsuitability.
2. The Board of Supervisors may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or which would necessitate an excessive expenditure of public funds for the supply of such services as undue maintenance costs for adequate roads.
3. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. All land in a subdivision that lies in a floodplain shall be:
 - Shown on the individual lots in the preliminary plat, and
 - Encouraged to remain as open space for use by all the lots in the subdivision
 - Shall comply with the Clay County Zoning Ordinance or any other specific floodplain ordinance of the county.
4. Subdivisions (including mobile home parks) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage.

Section 7.4. REQUIRED IMPROVEMENTS.

The subdivider shall install and construct all improvements required by this section. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the County Engineer and all utilities managers and to the satisfaction of the Board of Supervisors. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the County Engineer not less than twenty-four (24) hours in advance of readiness for required inspections.

1. **STREET GRADING.** The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon. All streets and alleys within the platted area dedicated for public use shall be brought to grade at the subdivider's cost as

approved by the Board of Supervisors after receiving the report and recommendation of the County Engineer.

2. **STREET IMPROVEMENTS.** The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than a concrete curb and gutter, and asphaltic concrete laid on a stabilized base approved by the County Engineer or six (6) inches of reinforced portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the County Engineer. On arterial and major thoroughfare streets or highways where a higher standard or greater thickness is herein required, the additional cost may be borne by the county.
3. **SIDEWALKS.** The subdivider shall, at the subdivider's expense, be required to install sidewalks with a minimum width of four feet (4') and a minimum thickness of four inches (4") of Portland concrete cement. However, where the property is platted in lots having an area of at least 20,000 square feet and a width of at least 100 feet, requirements may be waived. The sidewalks shall be constructed to the grade approved by the County Engineer. If the Planning Commission does not recommend the waiver of sidewalk improvements, then the Board of Supervisors must approve the waiver by a super majority or 75% vote in the affirmative.
4. **STREET SIGNS.** The developer or subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.
5. **NATURAL PLANTINGS.** Trees and shrubs may be planted within the street right-of-way or utility or drainage easements, where approved by the Board of Supervisors. Plantings and fences at intersections shall be so located as to maintain adequate sight distance according to regulations identified in the Clay County Zoning Ordinance.
6. **SANITARY SEWERS.** Where, in the opinion of the Board of Supervisors, a public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the County Engineer and the Board of Supervisors has approved the size of the lines. The developer shall stub a sewer service line into each lot being developed. Where lots in the area of planning jurisdiction cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the County Environmental Health Officer. Where a private water supply or sewage system is proposed, the subdivider shall furnish evidence that these facilities have been approved by a registered engineer, licensed in the State of Iowa subject to the discretion of the County Environmental Health Officer. Furthermore, sanitary sewer collection and treatment systems shall be approved by the Iowa Department of Natural Resources and such other agency or department of the state as shall from time to time be designated and charged with the regulatory authority over use, installation and maintenance of sanitary sewer facilities. Where oversized sewers are required to serve other areas of the watershed or subdivision, the additional cost may be borne by the county, utility provider on a proportionate or shared level, or assessed on an area basis to the properties served.

7. **WATER SUPPLY.** Where in the opinion of the Board of Supervisors the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system which shall adequately serve all lots. Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate water supply approved by the County Environmental Health Officer. All water mains that serve or in the opinion of the county shall serve in the future for fire protection shall have a minimum diameter of six inches (6"). Where oversized mains are required to serve other areas, the additional cost may be borne by the county, the water service provider on a proportionate and shared level, or assessed on an equal basis to the properties served. Water service lines shall be installed to the property line of all platted lots and terminated by a curb stop by the developer. If the Board of Supervisors approves the use of individual wells, lot sizes shall meet its approval.
8. **STORM WATER DRAINAGE.** All necessary improvements and adequate provisions shall be made to provide for the disposal of storm water, including storm sewers or open drainage ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water and to maintain any natural drainage course. Storm water drainage can not exceed pre-development flow rates. All construction shall be in accordance with plans approved by the appropriate County or City Engineer or by other officials having jurisdiction over a drainage district or watershed district. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost may be borne by the county or assessed on an area basis to the properties served.
9. **MARKERS.** The subdivider shall, at the subdivider's expense, place markers or monuments as required in Article VI, Section 6.7.

Section 7.5. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.

The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Planning and Zoning Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, sewer mains, etc., and all related lot, service connections) shall be completely installed and approved through the length and breadth of the street and across the flat section. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

Section 7.6. SPECIFICATIONS.

Plans and specifications shall be submitted to the county for approval prior to construction and construction shall not be started until plans and specifications have been approved.

Section 7.7. AS BUILT.

The developer shall furnish the county with a complete set of copies of as-built drawings at the completion of the installation of utilities.

Section 7.8. GUARANTEES.

The completion requirement for platting, herein provided, may be waived in whole or in part if the developer will post one of the following guarantees with the Board of Supervisors ensuring that improvements not completed will be constructed within a period of one (1) year. Waiver of the completion requirement by the Board of Supervisors, upon posting of a satisfactory bond with sureties approved by the Board shall not constitute an acceptance by the county of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

1. **Performance Bond.** The subdivider shall post with the Board of Supervisors a bond equal to the engineer's approved estimate of construction costs guaranteeing satisfactory completion of all improvements in a period not exceeding one (1) year from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa. If a performance bond is posted, such bond shall be subject to review by the County Attorney prior to acceptance; and shall indemnify Clay County from any and all costs or losses of the development and construction. Even if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the county of any improvements to be constructed.
2. **Cash Bond.** The subdivider shall deposit in cash with the Board of Supervisors an amount equal to the engineer's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or the contractor, as work progresses on the written order of the county.
3. **Special Assessments.** In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent property owners are involved, the subdivider may petition the Board of Supervisors to have the necessary improvements constructed and assessments levied against the property owners.

The Board of Supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.9. ACCEPTANCE AND MAINTENANCE.

Upon completion of all improvements required by this ordinance, and upon submission of satisfactory proof to the Board of Supervisors or other public agency that such improvements have met the standards and requirements of the county or other public agency and are installed on public property, approved and recorded rights-of-way or easements, the Board shall by

resolution accept the following portions of such improvements for the purpose of ownership and maintenance by the county or other public agency:

1. All hard surfaced streets, including curbs and gutters if installed
2. Alleys and alley approaches.
3. All water mains, associated valves, and fire hydrants.
4. That portion of a customer's water service line from the main "T" to the property line.
5. Sewer mains, manholes and lift stations, but not including any portion of a service line.
6. Stormwater retention practices and/or their associated catch basins or retention ponds.

The County Engineer or other designated inspector shall make a final inspection of all streets, utilities and other improvements as required. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the county or by the posting of a maintenance bond in the amount of five percent (5%) of the estimated cost of the improvements.

ARTICLE VIII PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Regulations

Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

In a new subdivision, where any planned or proposed public use, public parks, public recreation areas, or public access to water frontage which is shown on an official map or on the future land use map as part of the county's comprehensive plan is located in whole or in part in the applicant's proposed subdivision, the Board of Supervisors may require the dedication or reservation of such public open space within the proposed subdivision.

Section 8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The Board of Supervisors may not approve a site which is undesirable for such public or civic uses.
2. If the county's comprehensive plan requires a public open space within the proposed subdivision, the subdivider shall reserve the area for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by the last available Clay County assessment rolls. After such time, the subdivider may re-plat such property for their own purposes.
3. Natural features, historic sites, and similar county assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment

- Section 9.1. Fees Established
- Section 9.2. Variations and Exceptions
- Section 9.3. Enforcement
- Section 9.4. Penalties
- Section 9.5. Chain Subdividing
- Section 9.6. Changes and Amendments
- Section 9.7. Validity
- Section 9.8. Repealer

Section 9.1. FEES ESTABLISHED.

The Board of Supervisors shall, from time to time, establish by resolution fees for review of subdivision plats. Each preliminary plat submitted for approval shall be accompanied by a fee to be determined by resolution of the Board. No fees shall be charged for public land plats submitted by any governmental entity, plats submitted by any school board, or plats of property reserving or dedicating land to the county provided no other subdivision of land is shown thereon.

Section 9.2. VARIATIONS AND EXCEPTIONS.

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Planning and Zoning Commission may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner. However, all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare. In granting any variance, the Planning and Zoning Commission may recommend and the Board of Supervisors may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. It is specifically herein provided that any variance, modification or waiver by the Board of Supervisors under the provisions of this section shall be granted only by the affirmative vote of seventy five percent (75%) of the members of the Board.

It is provided that any specific variance, modification or waiver granted under this provision shall in no way affect the future and subsequent enforcement of this ordinance. Any variance, modification or waiver by the county under this provision shall not be construed to amend or nullify either the intent or purpose of this ordinance. Under no circumstances shall any variance or modifications be greater than the least variance or modification of the ordinance requirement necessary to provide substantial justice, and in no instance shall such variation or modification be in conflict with any zoning ordinance.

Section 9.3. ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated subject to the following:

1. No plat or subdivision shall be entitled to be recorded with the County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has been approved in the manner prescribed herein.
2. The Zoning Administrator shall not issue zoning compliance permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance but which has not been approved in accordance with the provisions contained herein, and until any and all improvements required by this ordinance have been completed and accepted by the county.
3. The Board of Supervisors shall not permit any public improvements, over which it has control, to be made from the County Road Fund or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions of this ordinance contained herein. Streets not accepted by the Board of Supervisors for addition to the Secondary Road System shall be considered private roads.

Section 9.4. PENALTIES.

It shall be unlawful for the owner, or the agent of an owner, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than one hundred dollars (\$100) per day and not more than five hundred dollars (\$500.00) per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the Zoning Administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed.

Section 9.5. CHAIN SUBDIVIDING.

No more than two (2) building permits for principal use structures shall be issued for each separate tract existing at the effective date of this ordinance unless the tract has been platted in accordance with this ordinance. Except, this provision shall not limit the number of building permits that may be issued for accessory buildings as defined within the zoning ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

Section 9.6. CHANGES AND AMENDMENTS.

Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Planning and Zoning Commission. The commission shall report within thirty (30) days after which the Board of Supervisors shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.7. SEVERABILITY CLAUSE.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared by the courts to be invalid or unconstitutional for any reason whatsoever, such decision shall not affect the validity of the remaining portion of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 9.8. REPEALER.

Effective on the effective date of this ordinance, the previous subdivision regulations ordinance (adopted March 12, 1996) and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability. No final plat of land within the force and effect of the zoning ordinance shall be approved unless it conforms to this ordinance. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

ARTICLE X
Effective Date

Section 10.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Passed and approved this _____ day of _____, 2011 by the Clay County Board of Supervisors

Chairperson, Clay County Board of Supervisors

Attest:

Clay County Auditor

I hereby certify that the foregoing was published as Ordinance No. _____ in Clay County, Iowa on the _____ day of _____, 2011.

Attachment A

PRELIMINARY PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Pre-Application Conference with county officials. Date held: _____
	<p>Concept Plan</p> <p>_____ Location of subdivision</p> <p>_____ Vicinity map</p> <p>_____ Street and block layout</p> <p>_____ Drainage courses</p> <p>_____ Proposed land uses</p>
	<p>Date of Filing of Preliminary Plat with the county: _____</p> <p>60 Day Planning Commission action time limit: _____</p> <p>60 Day Time Limit for Supervisors Further Study and Action: _____</p>
	10 copies of Preliminary Plat, containing or accompanied by:
	1. Title, scale, north arrow, date and official legal description of property being platted
	2. Name of subdivision
	3. Names and addresses of the recorded owner, developer and person preparing the plat
	4. Key Map at a legible scale showing the general location in relation to surrounding developments
	5. Names and locations of adjacent subdivisions and names of owners of property within 500 feet of the proposed subdivision
	6. Location of all existing or proposed buildings, railroads, underground utilities, and other rights-of-way
	7. Show a minimum of at least two (2) contour lines
	8. Boundaries of the proposed subdivision, showing dimensions, bearing, angels and references to section, townships and range lines or corners
	9. Location, names and widths of all existing and proposed roads, alleys, streets and highways and their right-of-ways
	10. Proposed layout of lots, showing lot numbers, dimensions, setback lines, and square feet
	11. Present or proposed easements showing location, width, purpose and limitations
	12. Present or proposed utility systems or services with the location and size or capacity of water, sewer and storm sewers and other water control or drainage structures
	13. Existing and proposed zoning classifications of the land
	14. A statement indicating the plat was prepared by a registered land surveyor of the State of Iowa or under the direct supervision of a registered surveyor, with the surveyor's registration number or seal
	15. Any other pertinent information as deemed necessary and requested by the Planning Commission or Board of Supervisors
	16. Any areas proposed to be dedicated for public use
	17. The required platting fee
	18. Accompanying material as identified in Section 4.4 of the Clay County Subdivision Ordinance

Attachment B

FINAL OR MINOR PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Approval, if not a Minor Plat Date: _____
	Date of Filing of Preliminary Plat, if not a Minor Plat: _____ 60 Day Planning Commission action time limit: _____ 60 Day Time limit for Supervisors Further Study and Action _____
	10 copies of Final or Minor Plat, containing:
	1. Scale used shall be clearly stated, and graphically illustrated by a bar scale drawn on every sheet showing any portion of the land subdivided. Larger subdivisions that require more than one sheet shall show match lines and references
	2. Title or name of the subdivision under which it is to be recorded
	3. Name and address of the owner and fee title to the real estate contained within the subdivision
	4. A scale, north arrow and date on each sheet
	5. Location, type, materials and size or all monuments and markers including all official benchmarks
	6. Accurate metes and bounds description of the boundary
	7. All property owners located within 500 feet of the proposed subdivision and adjacent subdivisions shall be identified and named
	8. Lot numbers and dimensions
	9. Accurate dimensions for any property to be dedicated or reserved for public use
	10. Accurate locations of all existing and recorded streets along with street names
	11. Location and descriptions of easements for utilities and any limitations on such easements
	12. Any protective covenants or restrictions to be imposed upon the plat
	13. Accurate boundary lines with dimensions and angels which provide a survey of the tract
	14. A statement indicating the plat was prepared by a registered land surveyor of the State of Iowa or under the direct supervision of a registered surveyor, with the surveyor's registration number or seal
	15. Include all of the required Final Plat Attachments as identified in Section 5.3 of the Clay County Subdivision Ordinance, of which shall include: <ul style="list-style-type: none"> • Correct legal description or metes and bounds description of the subdivided land • Abstract of Title • Attorney's Opinion • Certificate of Dedication • County Treasurer Certificate • County Auditor Certificates • County Assessor Certificate • Surveyor Certificate • Drainage Plans • Satisfactory Improvements • Resolution Accepting Improvements
	16. The required platting fee.
	17. Performance bond if improvements are incomplete, or other performance guarantee acceptable to Supervisors