

CHAPTER I: PURPOSE AND JURISDICTION

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.