

**Title 17  
SUBDIVISION**

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## Chapter 17.05 GENERAL PROVISIONS

### Sections:

- [17.05.010](#) Purpose.
- [17.05.020](#) Title.
- [17.05.030](#) General provisions.
- [17.05.040](#) Subdivision ordinance changes and amendments.

### **17.05.010 Purpose.**

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To provide procedures and guidance for the approval of subdivisions, resubdivision, or dedications in the unincorporated areas of Black Hawk County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith. This title is permitted and specifically authorized in Iowa Code Chapter 354, Platting – Division and Subdivision of Land, as amended. This title shall not imply that Black Hawk County will actively encourage subdivision development in the unincorporated area of the County. On the contrary, Black Hawk County, in its comprehensive plan and zoning ordinance, encourages urban development to occur within an incorporated community whenever possible. [Ord. 39, 1996. Code 2009 App. B.]

### **17.05.020 Title.**

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This title shall be known and may be cited and referred to as the “Black Hawk County, Iowa, subdivision ordinance,” Ordinance No. 39. [Ord. 39 § 1, 1996. Code 2009 App. B, § 1.]

### **17.05.030 General provisions.**

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A. Application. This title shall apply to all plats, replats, and divisions of land into parcels, any of which are less than 35 acres, and lying in the unincorporated area of Black Hawk County, Iowa, including the subdivision of land within two miles of any city. The provisions of this title shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel after the effective date of the ordinance codified in this title.

B. Plats within Two Miles of a City or Town. For preliminary and final plats of land within two miles of a city or town which has adopted ordinances regulating divisions of land within and outside of the city’s boundaries, up to a limit of two miles, the plats shall be filed with the municipality in accordance with the provisions of Iowa Code Section 354.9 or its successor,

prior to or at the same time as filing with the County. Approval by one political entity does not automatically constitute approval by the others unless the political entities have so agreed.

C. Subdivision Classification. Any proposed subdivision or resubdivision shall be classified as a major, minor, or agricultural subdivision by the Zoning Administrator. To aid in this, the subdivider shall submit in writing or other appropriate documentation the principal 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 subdivider's request.

D. Zoning. Any property proposed for subdivision shall be correctly zoned to accommodate the proposed use(s) before the subdivision process is begun.

E. Agricultural Plats. A subdivision which contains lots, parcels, sites, units, plots, or interests to be used for agricultural, environmental or non-developmental purposes, including parks and open areas, shall submit an agricultural plat. An agricultural plat may include a lot containing the farmstead being split from the farm. An agricultural plat shall not include any division that creates or expands a nonconforming use. Black Hawk County Planning and Zoning staff shall review an agricultural plat, prior to being recorded. If the plat is within a two-mile jurisdictional area of a city, the subdivider shall contact that city for its processing requirements. The plat shall contain the following notation:

Note: this platting is for agricultural or environmental purposes only and is not intended for development except in conformance with zoning regulations.

[Amended during 2014 recodification; Ord. 59, 2001; Ord. 56, 2000; Ord. 51, 2000; Ord. 39 § 3, 1996. Code 2009 App. B, § 3.]

#### **17.05.040 Subdivision ordinance changes and amendments.**

Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments should not become effective until after study and recommendation by the Planning and Zoning Commission and in accordance with the provisions of Black Hawk County and the Code of Iowa. [Ord. 39 § 14, 1996. Code 2009 App. B, § 14.]

## Chapter 17.10 DEFINITIONS

Sections:

[17.10.010](#) Terms defined.

### **17.10.010 Terms defined.**

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

“Acquisition plat” means the graphical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

“Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fraction 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.

“Alley” or “lane” means a public or private way not more than 30 feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.

“Auditor’s plat” means a subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.

“Block” means an area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

“Board” or “Board of Supervisors” means the Board of Supervisors of Black Hawk County, Iowa.

Building Line. Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the zoning ordinance of Black Hawk County, Iowa.

“Commission” or “Planning and Zoning Commission” means the Black Hawk County Planning and Zoning Commission.

“Conveyance” means an instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.

“County” means Black Hawk County, Iowa.

“Cul-de-sac” means a street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

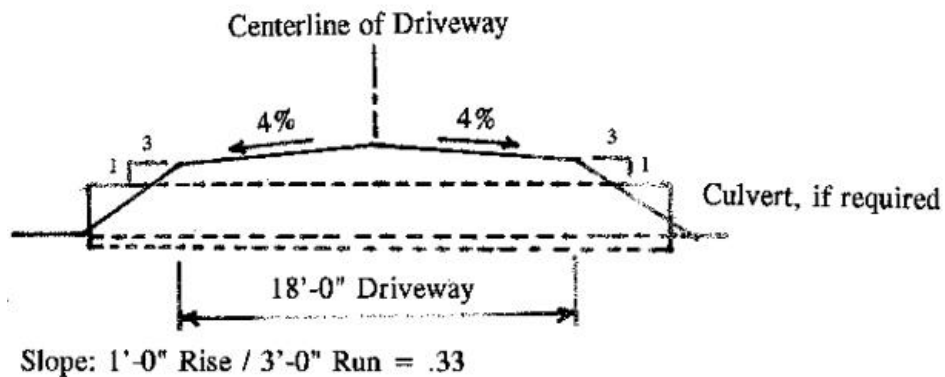
“Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. For the purpose of this title, a developable parcel is a lot or parcel that can have any principal permitted use listed in the zoning ordinance other than uses listed in the “A” agricultural district.

“Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of this title.

“Driveway” means a private property access to either a private or public street, road, alley, highway, or freeway. A typical driveway cross section is shown in Figure 1.

Figure 1: Typical Driveway Cross Section.\*



\*Or current standard available in the Black Hawk County Engineer's office.

“Easement” means a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

“Engineer” means a registered civil engineer authorized and licensed to practice engineering in the state of Iowa.

“Farm” means an area comprising 35 contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property noncontiguous.

“Farmstead” means the buildings and adjacent service areas of a farm, including sites where the buildings have been removed provided the land has not been cultivated.

“Final plat” means the final map or plan of record of a subdivision and any accompanying material, as described in Chapter [17.30](#) BHCC.

“Improvements” means addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances.

LESA System. Land evaluation and site assessment (LESA), which was originally developed by the United States Department of Agriculture, is a locally adapted tool for determining the relative agricultural value of land. LESA is a two-part evaluation, land evaluation and site assessment, which creates a score between zero and 300 points, with higher scores indicating higher agricultural viability. The LESA system is a tool to assist policy-makers by offering them a more thorough, objective means of evaluating the agricultural potential of land during the decision-making process. It is a growth management tool geared toward agricultural land preservation. The LESA system adopted by Black Hawk County has factors and weights that were determined by a local committee of residents and experts in local government, agriculture, soils, and land use planning.

“Lot” means, for the purposes of this title, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. A lot of record is a lot the contract or deed to which has been recorded in the office of the Recorder of Black Hawk County, Iowa, prior to November 1, 1996, the effective date of the ordinance codified in this title. Said lot shall have frontage on or access to a public street or private street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;

3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the zoning or subdivision ordinance.

“Major subdivision” means all subdivisions not classified as minor or agricultural subdivisions, including, but not limited to, any size subdivision requiring any new street, extension of local government facilities, or the creation of any public improvements.

“Metes and bounds” means the method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.

“Minor plat” means a plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching a general agreement as to the form of the plat and the objectives of Chapter [17.35](#) BHCC.

“Minor subdivision” means any subdivision which contains or creates not more than three developable parcels fronting an existing road or with a dedicated easement for access, not involving any new road or street (public or private), or the extension of municipal facilities or the creation of any public improvements or the dedication of lands to the County, 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 title may be classified as a minor subdivision and must meet the appropriate regulations.

“Nonresidential subdivision” means a subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Agricultural subdivisions shall comply with BHCC [17.05.030](#)(E), Agricultural Plats. Commercial or industrial subdivisions that contain or create more than two developable parcels shall be classified as a major subdivision and must meet the appropriate regulations.

“Official plat” means either an Auditor’s plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.

“Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

“Parcel” means a part of a tract of land.

“Permanent real estate index number” means a unique number or combination of numbers assigned to a parcel of land pursuant to Iowa Code Section 441.29.

“Plat” means a map, drawing, or chart, on which the subdivider’s plan of the subdivision is presented and which he submits for approval and intends in final form to record.

“Preliminary plat” means the proposed map or plan of record of a subdivision and any accompanying material, as described in Chapter [17.25](#) BHCC.

“Public utilities” means public or quasipublic distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of this title, a private, common water system and a common sewer system may be considered a public utility when a public or quasipublic system is not available and when the creating parties agree.

“Resubdivision” means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of the ordinance codified in this title.

“Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street.

“Street, road, alleys, drive or entrance (public)” means all property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.

“Street, road, alleys, drive or entrance (secondary road system)” means all property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the County system by the Board of Supervisors.

“Street, road, drive, alleys, or entrance (private)” means all property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.

“Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

“Subdivision” means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision.



“Subdivision” includes the division or development of residential or nonresidential zoned land, whether by deed, sale on contract, devise, intestate succession, lease, map, plat, or other recorded instrument. A minor plat shall be required unless the split meets the requirements of an agricultural plat.

“Subdivision agent” means any person who represents or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop, any interest, lot, parcel, unit, site or plat in a subdivision.

“Subdivision plat” means the geographical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

“Surveyor” means a registered land surveyor authorized and licensed to practice surveying in the state of Iowa, pursuant to Iowa Code Chapters 355 and 542B.

“Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

“Zoning Administrator” means the administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this title. [Amended during 2014 recodification; Ord. 83, 2003; Ord. 81, 2003; Ord. 75, 2002; Ord. 51, 2000; Ord. 39 § 2, 1996. Code 2009 App. B, § 2.]

## Chapter 17.15 SUBDIVISION DESIGN STANDARDS

### Sections:

- [17.15.010](#) Intent.
- [17.15.020](#) General requirements.
- [17.15.030](#) Blocks.
- [17.15.040](#) Lots.
- [17.15.050](#) Improvements.

### **17.15.010 Intent.**

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The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood, and shall conform with design standards as approved by the Board of Supervisors. [Ord. 39 § 4, 1996. Code 2009 App. B, § 4.]

### **17.15.020 General requirements.**

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A. Land Suitability. No land shall be subdivided for other than agricultural purposes which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such unsuitable conditions are corrected to the satisfaction of the County. Land with a land evaluation (LE) score from the LESA system below 40 points shall be considered unsuitable for development.

1. If a subdivision is found to be unsuitable for any of the reasons cited in this section, the Planning and Zoning Commission shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission may reaffirm, modify or withdraw its determination of unsuitability.
2. Floodland. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. The disposition of all land in a subdivision which lies in a floodplain shall be as follows:
  - a. Included within individual lots in the subdivision; or
  - b. Reserved in open space for use by all owners of lots in the subdivision with an appropriate instrument providing for its care by such owners.

3. Subdivisions (including mobile home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of a 100-year flood.

#### B. Streets.

1. Private Streets. Private streets, not dedicated to and accepted by the County, are discouraged. If private streets are utilized, they shall be platted as such and be under the control of the subdivision, homeowners association, and/or subdivider. Private streets shall be platted with a minimum of 60 feet in width.

2. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than 60 feet in width, and in similar alignment, unless variations are recommended by the Planning and Zoning Commission.

3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Planning and Zoning Commission. In a case where a street will eventually be extended beyond the plan but is temporarily dead-ended, an interim turnaround shall be required.

4. Street Intersections. Street intersections shall be as near to right angles as possible.

5. Cul-de-Sac. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 100 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 60 feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at the radius of not less than 30 feet. A paved cul-de-sac without curb and gutter shall have a minimum paved diameter of 65 feet with a minimum shoulder width of three feet of rock. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of 71 feet measured from the back of curb to back of curb.

6. Street Names. All newly platted streets shall be named in a manner consistent with the present street name system. A proposed street that is obviously in alignment with other

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

7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area, and other natural features which would lend themselves to attractive treatment.

8. Half Streets. Dedication of half streets will be prohibited unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning and Zoning Commission.

9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

10. Easements.

a. Easements for utilities, when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall be not less than 10 feet in total width.

b. Whenever a subdivision is traversed by a watercourse, channel, drainageway or stream, a stormwater easement or drainage easement may be required. The width of such easement shall be adequate for the anticipated drainage but not less than 30 feet and shall be shown on the plat.

c. For minor subdivisions, any lot which has no frontage upon a public or private street shall be provided with an easement for access to a public or private street. For one single-family dwelling, there shall be an exclusive unobstructed private easement of access of at least 20 feet. For two such single-family dwellings, there shall be a common easement of access at least 24 feet. For three or more single-family dwellings, there shall be a common easement of access at least 30 feet. Lots in a major subdivision shall have adequate frontage along a dedicated street, either public or private.

d. Easements to the County for road purposes shall not be allowed.

11. Neighborhood Plan. If any overall plan has been made by the commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning and Zoning Commission may require a sketch of the prospective future system of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.

13. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:

a. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

b. 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.

14. Street Width. The width of minor or residential streets shall not be less than 60 feet.

15. Street Alignments. Streets and alleys shall be completed to grades which have been officially determined or approved by the Board of Supervisors. All streets shall be graded to within two feet of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven percent for main and secondary thoroughfares, or eight percent for minor or local service streets. All street alignments, both horizontally and vertically, shall meet design criteria as specified in the sixth edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets.

16. Culverts and Crossroad Drainage Structures. Driveway culverts shall be designed for a 25-year flood, or a minimum of 15 inches in diameter. Crossroad drainage structures shall be designed for a 50-year flood, or a minimum of 24 inches in diameter. [Ord. 132, 2014; Ord. 81, 2003; Ord. 75, 2002; Ord. 39 § 4(A), 1996. Code 2009 App. B, § 4(A).]

#### **17.15.030 Blocks.**

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A. No block shall be longer than 1,320 feet.

B. At street intersections, block corners shall be rounded with a radius of not less than 25 feet. However, where a curve radius has been previously established, such radius shall be used as standard if greater than 25 feet. [Ord. 39 § 4(B), 1996. Code 2009 App. B, § 4(B).]

#### **17.15.040 Lots.**

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A. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.

B. Double-frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway.

C. For the purpose of complying with minimum health standards and zoning requirements, the following minimum lot sizes shall be observed:

1. Lots which cannot be reasonably served by a public sanitary sewer system and public water supply mains shall have a minimum width of 150 feet, measured at the building line, and an area of not less than one and one-half acres. For major subdivisions created after August 20, 2002, the effective date of Ordinance No. 75, no lot shall be created unless public sanitary sewer and public water is available or may be extended at the time of development.

2. Lots which are connected to a public water supply main or are connected to a public sanitary sewer system shall have a minimum width of 80 feet and an area of not less than 15,000 square feet.

3. Lots which are connected to a public water supply main and to a public sanitary sewer system shall have a minimum width of 75 feet and an area of not less than 7,500 square feet.

D. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight. [Ord. 75, 2002; Ord. 39 § 4(C), 1996. Code 2009 App. B, § 4(C).]

#### **17.15.050 Improvements.**

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A. Streets and Roads. In addition to BHCC [17.15.020\(B\)](#), all streets or roads intended to be dedicated to public use and accepted into the County secondary road system shall meet the following criteria:

1. All streets shall be put to grade and standard cross section according to the plans approved by the County Engineer and Board of Supervisors prior to construction. Either a

rural (see Figure 2) or urban (see Figure 3) type cross section may be used. Both plan and profile view details shall be drawn to a scale of one inch equals 100 feet horizontal and one inch equals 10 feet vertical.

2. Paved streets without curb and gutter that incorporate open ditches as a means of stormwater drainage shall have a minimum surfaced width of 24 feet with a minimum shoulder width of three feet of rock (see Figure 2). Paved streets with concrete curb and gutter shall have a minimum width of 31 feet measured from the back of curb to back of curb (see Figure 3).

3. All streets shall be paved with one of the following in accordance with specifications approved by the Board of Supervisors and County Engineer:

a. Class B Portland cement concrete paving with a minimum six-inch thickness with a two percent crown measured from the centerline of the street to the gutter or shoulder of the road.

b. Asphaltic concrete paving with a minimum six-and-one-half-inch thickness, as follows, with a two percent crown measured from the centerline of the street to the gutter or shoulder of the road.

i. Surface course: two and one-half inches of Type A asphaltic concrete.

ii. Base course: four inches of asphalt treated base or four inches of Type B asphaltic concrete.

iii. Subbase course: four inches of soil aggregate subbase.

c. Other alternative construction materials and specifications acceptable to the Board of Supervisors and County Engineer.

d. All construction and materials shall conform to the current Iowa Department of Transportation standard specifications and special provisions.

4. Advance notice of construction is required.

5. All designs, materials, inspection, results, and procedures shall be certified to the County Engineer by a duly registered engineer.

#### B. Utility Service Systems.

1. Public sanitary sewers and water systems shall be installed within the street or right-of-

way or established easements as required by the state and local ordinances.

2. Gas mains shall be installed within the street right-of-way or an established easement.
3. Electric and telephone lines shall be installed within the street right-of-way or established easements.
4. All utility service systems shall be subject to approval by the County Engineer and Board of Supervisors.

C. Storm Drainage.

1. Adequate storm sewers and inlets shall be provided where necessary.
2. Natural waterways shall be maintained and protected.
3. All stormwater facilities shall be subject to approval by the County Engineer and Board of Supervisors.

Figure 2. Typical Rural Road Cross Section (Pavement with Open Ditches)

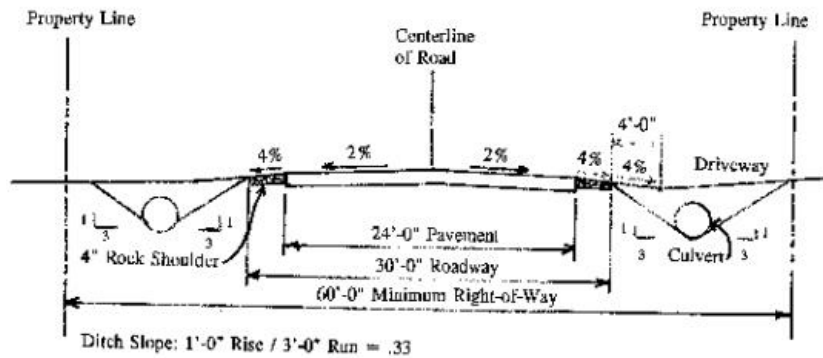
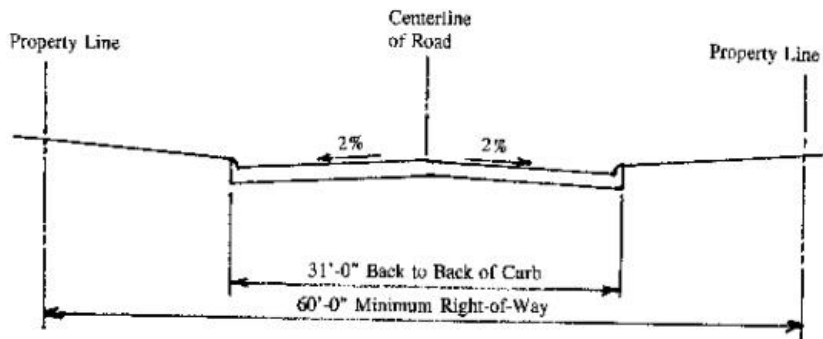


Figure 3. Typical Urban Road Cross Section (Pavement with Curb and Gutter)



D. Utility Locations. The proposed location, alignment and sizes of all utilities, whether



underground or overhead, and the type of street construction shall be shown on the preliminary plat. Approval of the plat will form the basis for final designs of all improvements.

All underground utilities to be located within the street right-of-way shall be constructed and service provided to each lot before paving of the street.

E. Signs. Street signs that conform to the Manual on Uniform Traffic Control Devices (MUTCD) shall be installed by the developer at all intersections.

F. Mailboxes, Including Newspaper Boxes. Mailboxes and mailbox construction shall conform to Black Hawk County Engineer and United States Postal Service standards.

G. Parking. The depth and width of properties reserved and laid out for residential, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Black Hawk County zoning ordinance. [Ord. 39 § 4(D), 1996. Code 2009 App. B, § 4(D).]

**Chapter 17.20**  
**PROCEDURAL GUIDELINES FOR SUBDIVISION PLATTING IN THE UNINCORPORATED**  
**AREAS OF BLACK HAWK COUNTY**

Sections:

[17.20.010](#) Procedures.

**17.20.010 Procedures.**

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A. Check with Zoning Administrator for current zoning ordinances, subdivision regulations, land use zoning classifications, and building code. Property must be correctly zoned before platting.

Check with County Board of Health for water and water pollution control standards.

Discuss development concepts and explore alternative solutions.

B. The Zoning Administrator sends notice to the city if the property is within the two-mile extraterritorial zone.

C. Bring abstract up to date.

D. Get clear title to the property, becoming legal owner.

E. Hire a licensed engineer or land surveyor to make a survey, prepare a base map, and to set out the lots. The developer may also want to consult a landscape architect or land planner for design considerations and site planning aspects.

F. The petitioner may request a concept review by the Zoning Administrator prior to drafting the preliminary plat. This phase is at the option of the developer.

G. Have a preliminary plat prepared.

H. Submit six copies of the preliminary plat to the Zoning Administrator. The Administrator will date the plat and issue a receipt for filing fees. The developer will need to sign a release authorizing the Zoning Administrator, Planning and Zoning Commissioners and/or the Board of Supervisors to inspect the property.

I. The six preliminary plat copies go to:

1. County Engineer.
2. County Board of Health.

3. Planning and Zoning Commission and Zoning Administrator.
4. County Auditor and Board of Supervisors.
5. City official, if the proposed subdivision is within two miles of a municipality.
6. Natural Resource Conservation Service.

J. All copies are to be studied and written recommendations sent to the Zoning Administrator. An environmental impact analysis prepared by the qualified professional may be required.

K. The Zoning Administrator refers the preliminary plat to the Planning and Zoning Commission for preliminary review and recommendations. Preliminary plat may require more than one Planning and Zoning Commission review.

L. The preliminary plat is returned to petitioner with any requirements for amendment.

M. The petitioner submits the preliminary plat to the Board of Supervisors.

N. The petitioner submits eight copies of the final plat to the Zoning Administrator and at the same time submits a proposed resolution for the Board of Supervisors.

O. The final plat must be approved and signed by:

1. County Engineer.
2. County Board of Health.
3. County Recorder.
4. County Assessor.
5. Planning and Zoning Commission and Zoning Administrator.
6. County Auditor and Board of Supervisors.
7. City official, if the proposed subdivision is within two miles of a municipality.
8. Natural Resource Conservation Service (review only).

P. The final plat and all associated legal documents are referred to the Board of Supervisors after final approval by the Planning and Zoning Commission and approval by the city if within the two-mile zone. The resolution is signed by the Board of Supervisors and the County Auditor. A copy of the final plat with a copy of the resolution by the Board of Supervisors will be

sent to each of the following offices:

1. County Engineer.
2. County Board of Health.
3. Zoning Administrator.
4. County Auditor.
5. County Recorder.
6. County Assessor.
7. City official, if the proposed subdivision is within two miles of a municipality.
8. Petitioner.

Q. After final approval by the Board of Supervisors, the final plat is filed in the County Recorder's office.

R. The following information shall be required by the County Recorder:

1. Plat.
2. Abstract.
3. Survey.
4. Deed of dedication.
5. Resolution(s) by the County and/or city(ies).
6. Attorney's opinion.
7. Treasurer's certificate.
8. Restrictive covenants, if not included in the deed of dedication. [Ord. 39, 1996. Code 2009 App. B.]

## Chapter 17.25 PRELIMINARY PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)

Sections:

- [17.25.010](#) Pre-preliminary plan.
- [17.25.020](#) Number of copies.
- [17.25.030](#) Referral of preliminary plat.
- [17.25.040](#) Contents of preliminary plat.
- [17.25.050](#) Accompanying material.
- [17.25.060](#) Review by the Planning and Zoning Commission.
- [17.25.070](#) Review by the Board.

### **17.25.010 Pre-preliminary plan.**

Each subdivider of land may confer with the Zoning Administrator before preparing the preliminary plat in order to become familiar with County regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat may be presented at that time. [Ord. 39 § 5(A), 1996. Code 2009 App. B, § 5(A).]

### **17.25.020 Number of copies.**

Whenever the owner of any tract or parcel of land within the unincorporated area of the County wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plat of said subdivision, and shall submit six copies of said preliminary plat and supportive information to the Zoning Administrator for preliminary study and approval. Said plat shall contain such information as required by this chapter or as may be specified by the Zoning Administrator. [Ord. 75, 2002; Ord. 39 § 5(B), 1996. Code 2009 App. B, § 5(B).]

### **17.25.030 Referral of preliminary plat.**

If the Zoning Administrator shall determine that the “preliminary plat” contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall refer one copy each to the County Auditor, County Engineer, County Board of Health, the Natural Resources Conservation Service, and to any city within two miles of the subdivision for their comments and recommendations. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Black Hawk County and submit their findings to the Zoning Administrator as soon as possible, but within 30 days. [Ord. 75, 2002; Ord. 39 § 5(C), 1996. Code 2009 App. B, § 5(C).]

### **17.25.040 Contents of preliminary plat.**

Preliminary plats shall contain, include, or show the following requirements:

- A. Name of subdivision, date, an arrow indicating the northern direction, and the legal description of the property being platted.
- B. Plats shall be drawn on sheets not larger than 24 inches by 36 inches. The scale of the plat, preferably one inch equals 100 feet, shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one sheet shall show match lines and references.
- C. Name and address of recorded owner and developer, if different than the owner.
- D. Name and address of developer's engineer or surveyor, as well as the seal and certificate thereof.
- E. Existing buildings, railroads, utilities, and other rights-of-way.
- F. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
- G. Location and names of adjoining subdivisions as well as a list of property owners within 500 feet of the property to be subdivided.
- H. Proposed lot lines with approximate dimensions and the square foot area of each lot.
- I. Areas dedicated for public use, such as schools, parks and playgrounds.
- J. Contour lines shown at intervals of two feet.
- K. Building setback lines.
- L. Boundaries of the proposed subdivision shall be indicated by a heavy black line.
- M. Existing and proposed zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties.
- N. Proposed utility service:
1. Source of water supply.
  2. Provision for sewage disposal, stormwater drainage, and flood control, if applicable.
- O. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.

- P. Lots shall be numbered in a way that is acceptable to the County Auditor's office.
- Q. Present and proposed easements showing widths and purposes of said easements.
- R. If applicable, the regulatory flood elevation data; limits of the 100-year floodplain boundaries, original and revised, must be shown.
- S. Environmental studies may be required if a proposed subdivision is located in, or near, an "environmentally sensitive area," as defined in the Black Hawk County zoning ordinance. [Ord. 39 § 5(D), 1996. Code 2009 App. B, § 5(D).]

**17.25.050 Accompanying material.**

Results of soil percolation tests made by the developer's engineer shall accompany any plat that cannot feasibly be served by public sewer in the event that the sanitary sewer requirement is changed or modified as provided for in this chapter. Such tests shall be made in accordance with the Black Hawk County Board of Health requirements. [Ord. 75, 2002; Ord. 39 § 5(E), 1996. Code 2009 App. B, § 5(E).]

**17.25.060 Review by the Planning and Zoning Commission.**

A. Upon receipt of the report of the various offices referred to in BHCC [17.25.030](#), as soon as possible, but not more than 60 days after initial receipt of the plat by the Zoning Administrator, the Planning and Zoning Commission shall review said plat, consider said reports, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvement to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Planning and Zoning Commission shall give written reasons therefor.

B. Before approving a preliminary plat, the Planning and Zoning Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper at least four, but not more than 20, days before said public hearing.

C. If a public hearing is scheduled, property owners within 500 feet shall be notified of said public hearing. [Ord. 39 § 5(F), 1996. Code 2009 App. B, § 5(F).]

**17.25.070 Review by the Board.**

A. The Board of Supervisors shall then take action upon the preliminary plat prior to submission of the final plat, certifying its approval or disapproval. In case of disapproval, the Board of Supervisors shall give written reasons therefor. If approved, the preliminary plat shall be certified by resolution.

B. The approval of the preliminary plat by the Board of Supervisors does not constitute acceptance of the subdivision, but shall authorize the developer to proceed with the preparation of the final plat.

C. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one year from the date of such approval, except upon application for and approval of an extension of such period of validity, by the Board of Supervisors. [Ord. 75, 2002; Ord. 39 § 5(G), 1996. Code 2009 App. B, § 5(G).]



**Chapter 17.30**  
**FINAL PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)**

Sections:

- [17.30.010](#) Number of copies.
- [17.30.020](#) Referral of final plat.
- [17.30.030](#) Contents of final plat.
- [17.30.040](#) Accompanying material.
- [17.30.050](#) Review by the Planning and Zoning Commission.
- [17.30.060](#) Action by the Board.
- [17.30.070](#) Improvements.

**17.30.010 Number of copies.**

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Within one year of approval of the preliminary plat, or extension thereto, by the Board of Supervisors, the subdivider shall submit eight copies of the final plat for review by the Zoning Administrator. [Ord. 39 § 6(A), 1996. Code 2009 App. B, § 6(A).]

**17.30.020 Referral of final plat.**

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The Zoning Administrator shall refer one copy each to the County Auditor, County Recorder, County Assessor, County Engineer, County Board of Health, the Natural Resources Conservation Service, and to any city within two miles of the subdivision for their comments and recommendations. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Black Hawk County and submit their findings to the Zoning Administrator as soon as possible, but within 30 days. [Ord. 39 § 6(B), 1996. Code 2009 App. B, § 6(B).]

**17.30.030 Contents of final plat.**

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Final plats shall contain, include, or show the following requirements:

- A. Name of subdivision and developer.
- B. Plats shall be drawn on sheets not larger than 24 inches by 36 inches. The scale of the plat, preferably one inch equals 100 feet, shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one sheet shall show match lines and references.
- C. An arrow indicating the northern direction.
- D. Curve data including delta angle, length of arc, degree of curve, and the length and direction of the chord.

E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one in 10,000 for subdivision boundaries and shall not be greater than one in 5,000 for an individual lot. The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth acre, or square feet to the nearest 10 square feet.

F. Exact name, location, width, and designation of all streets within the subdivision. Additionally, alleys, private streets, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development or any other use shall be assigned a progressive letter and have the proposed use clearly designated.

G. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plan. All such easements relative to their usage and maintenance shall be approved by the Planning and Zoning Commission prior to the recording of the plat.

H. Building setback lines with dimensions.

I. Legal description of the property being subdivided.

J. Lot numbers.

K. Certificate of survey.

L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.

M. A table listing coordinate values for all property corners (based on the Iowa State Plane System, Northern Zone). [Amended during 2014 recodification; Ord. 75, 2002; Ord. 39 § 6(C), 1996. Code 2009 App. B, § 6(C).]

**17.30.040 Accompanying material.**

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A. Any restrictive covenants shall be submitted for review and recommendation by the County Attorney.

B. A dedication or easement to the County for any property intended for public use.

C. A proposed schedule of improvements to be made.

D. Detailed schematics of the sanitary sewer system. The Black Hawk County Health Department shall review and make a recommendation if the system is in accordance and meets the requirements of the Black Hawk County Board of Health prior to submission of the final plat. [Ord. 75, 2002; Ord. 39 § 6(D), 1996. Code 2009 App. B, § 6(D).]

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**17.30.050 Review by the Planning and Zoning Commission.**

The Planning and Zoning Commission shall review the final plat in the same manner that they addressed preliminary plats, Chapter [17.25](#) BHCC, and forward its recommendation to the Board of Supervisors. [Ord. 39 § 6(E), 1996. Code 2009 App. B, § 6(E).]

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**17.30.060 Action by the Board.**

A. Upon receipt of the final plat and the required documents from the Commission, the Board will consider the recommendations of the reviewing offices. The Board shall approve or disapprove the final plat by resolution.

B. The Board may refuse to approve any plats for proposed subdivisions which include improvements or facilities that are subject to regulations and ordinances of the County Board of Health unless such improvements or facilities have been approved by that Department. The Board may disapprove a final plat for lots to be served by residential on-site sewage treatment systems which includes any lot having an area less than the minimum area required by such applicable regulations and ordinances. In case of disapproval, it shall give written reasons therefor.

C. The passage of a resolution by the Board accepting the plat shall constitute final platting approval of the area shown on the final plat. The subdivider or owner shall cause such plat to be recorded as required by Iowa Code Chapter 354, before the County shall recognize the plat as being in full force and effect. In addition six copies of the approved final plat and adopting resolution as well as one copy of the completed plat proceedings with restrictive covenants shall be submitted to the Zoning Administrator. [Ord. 39 § 6(F), 1996. Code 2009 App. B, § 6(F).]

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**17.30.070 Improvements.**

A. All standards and improvements described in Chapter [17.15](#) BHCC shall be installed in accordance with the approved plans and specifications after acceptance of the final plat by the Board of Supervisors and recording with the County Recorder. All improvements shall be inspected by the developer's engineer and certified to the Board of Supervisors without cost to the County.

B. Subdivisions may be developed in phases.

C. After acceptance of the final plat by the Board of Supervisors and recording with the Recorder, the developer shall enter into an agreement with the Board of Supervisors to ensure the completion of the improvements within a specific time period. The agreement shall specify the improvements to be constructed, the schedule for completion of construction (each phase not to exceed three years) and shall be accompanied with a performance bond, corporate surety bond, cash, or other surety approved by the County Attorney in an amount equal to 100 percent of the estimated cost of said improvements.

D. The owner and subdivider of the land being platted shall be required to provide to the County property maintenance bonds, or other means satisfactory to the County Engineer and County Attorney, so as to insure that for a period of two years from the date of acceptance and completion of any improvement, the owner and subdivider shall be responsible to maintain the improvements in good repair. [Ord. 39 § 6(G), 1996. Code 2009 App. B, § 6(G).]

**Chapter 17.35**  
**MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES**

Sections:

[17.35.010](#) Procedures.

**17.35.010 Procedures.**

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A. A copy of the proposed minor subdivision plat shall be prepared and submitted to the Zoning Administrator; said plat shall contain such information as required by this chapter or as may be specified by the Zoning Administrator.

B. If the Zoning Administrator shall determine that the “minor subdivision plat” contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall forward copies of the submitted plat to the County Engineer, County Board of Health, and to such other agencies or persons as he may deem appropriate and necessary.

C. Review by Agencies. Within 10 working days following receipt of an application by the Zoning Administrator:

1. County Engineer shall notify the Zoning Administrator that access onto the County road will, or will not, be granted and that other improvements do, or do not, conform to current standards.

2. The County Board of Health shall notify the Zoning Administrator that the land so proposed to be subdivided is or is not suitable for the utilization of on-site septic tank disposal systems or that sanitary sewers or other alternative systems of sewage disposal are satisfactory and that the proposed system of water supply complies with applicable County and state standards.

3. Other agencies or persons shall notify the Administrator upon factors deemed appropriate and necessary.

D. Upon receipt of the report of the various offices referred to in subsection C of this section, as soon as possible, but not more than 60 days after initial receipt of the plat by the Zoning Administrator, the Planning and Zoning Commission shall review said plat, consider said reports, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, and take action upon the plat as originally submitted or modified. If a subdivision is not recommended for approval, the Planning and Zoning Commission shall give written reasons therefor.

E. The Board of Supervisors shall then take action upon the minor plat, certifying its approval or disapproval. In case of disapproval, the Board of Supervisors shall give written reasons therefor. If approved, the plat shall be certified by resolution.

F. Limitations. This section shall not be applicable to a subdivision that is classified by the Zoning Administrator as a major or agricultural subdivision. [Ord. 83, 2003; Ord. 39 § 7, 1996. Code 2009 App. B, § 7.]

## Chapter 17.40 PLACES

Sections:

[17.40.010](#) General requirements.

### **17.40.010 General requirements.**

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Where it is desired to subdivide a parcel of land, which because of its size or location does not permit a normal lot or street area, there may be established a "place." Such a place may be in the form of a court, nonconnecting street or other arrangement; provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If any dead-end place, court or cul-de-sac is more than 250 feet in length, it shall terminate in an open space, preferably circular, having a minimum radius of 60 feet. Except in unusual instances, no dead-end street or place shall exceed 600 feet in length. [Ord. 39 § 8, 1996. Code 2009 App. B, § 8.]

**Chapter 17.45**  
**ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

Sections:

[17.45.010](#) General requirements.

**17.45.010 General requirements.**

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A. No certificate of occupancy for any building in a subdivision shall be issued prior to the completion of the improvements in a manner which shall be adequate for vehicular access by the prospective occupant and by law enforcement and fire equipment.

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

C. No building permit shall be issued for the final 10 percent of lots, or the final five lots of a subdivision, whichever is greater, until all public improvements required by the Board of Supervisors for the plat have been fully completed and dedicated to the County. [Ord. 39 § 9, 1996. Code 2009 App. B, § 9.]



**Chapter 17.50**  
**VACATION OF PLATS, STREETS, AND OTHER PUBLIC LANDS**

Sections:

[17.50.010](#) Procedures.

**17.50.010 Procedures.**

Prior to consideration by the Board of Supervisors, all vacations of plats, streets, and other public lands shall be reviewed by the Planning and Zoning Commission. A recommendation from the Planning and Zoning Commission shall be forwarded to the Board of Supervisors.

A. Vacation of Plats. The owners of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Planning and Zoning Commission for review and recommendation. After review by the Commission, the petition and recommendation are filed with the Board of Supervisors, and they shall set a time and place for a public hearing on the petition. Written notice of the public hearing shall be provided to property owners within 500 feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with 14 days between publications, stating the date, time, and place of the public hearing.

The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

1. An instrument signed, executed, and acknowledged by all the property owners and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated.
2. A resolution by the Board of Supervisors approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside for dedicated or public use.
3. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

B. Vacation of Streets and Other Public Lands. The County may vacate a part of an official plat that had been conveyed to the County or dedicated to the public which is deemed by the Planning and Zoning Commission and Board of Supervisors to be of no benefit to the public. The County shall vacate by resolution following a public hearing or by ordinance and the

vacating instrument shall be recorded. The County may convey the vacated property by deed or may convey the property to adjoining property owners through the vacation instrument. If the vacating instrument is used to convey property, then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed. A recorded vacation instrument which conforms to this section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor. A vacation instrument recorded pursuant to this subsection shall not operate to annul any part of an official plat except as provided for in subsection A of this section. [Ord. 39 § 10, 1996. Code 2009 App. B, § 10.]

## Chapter 17.55 FEES

Sections:

[17.55.010](#) Designated.

### **17.55.010 Designated.**

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Nonrefundable fees pertaining to permits and actions required by this title shall be in accord with the schedule of fees, as adopted by resolution by the Board of Supervisors. Said fees shall include, but not be limited to, the following:

A. Major subdivisions.

B. Minor subdivisions.

C. Vacation of plats, street, and other public lands. This fee shall not be administered and collected if the dedication or vacation is processed in the form of a plat and either minor or major subdivision fees are paid in lieu thereof.

D. Recording fees, per a schedule on file in the County Recorder's office.

A copy of the schedule of fees shall be on file with the Zoning Administrator. [Ord. 39 § 11, 1996. Code 2009 App. B, § 11.]

**Chapter 17.60**  
**VARIATIONS AND EXCEPTIONS**

Sections:

[17.60.010](#) Authorized.

**17.60.010 Authorized.**

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Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Board of Supervisors, upon recommendation of the Planning and Zoning Commission, may vary or modify such requirements upon the affirmative vote of at least two-thirds of the Board of Supervisors members to allow the subdivider to develop his property in a reasonable manner with due regard for the public welfare so that the interests of the County and surrounding area are protected and the general intent and spirit of this title are preserved.

[Ord. 75, 2002; Ord. 39 § 12, 1996. Code 2009 App. B, § 12.]

**Chapter 17.65**  
**ENFORCEMENT, VIOLATION AND PENALTY**

Sections:

[17.65.010](#) Prohibitions – Fines.

**17.65.010 Prohibitions – Fines.**

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A. After the date of adoption of the ordinance codified in this chapter, no plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

B. No road hereafter created in the unincorporated area of Black Hawk County shall become a part of any road system as defined in Iowa Code Chapter 306, and no improvements shall be made by Black Hawk County, nor shall Black Hawk County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of the ordinance codified in this chapter unless such road or other facility shall have been first approved by the Board of Supervisors in accordance with the provisions of this chapter and the dedication thereof accepted as a public road or improvement.

C. Black Hawk County shall not issue building or repair permits for any structure located on a lot in any subdivision developed after the date of adoption of the ordinance codified in this chapter that is located within the County unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.

D. Violations of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with the approval of any request required under this chapter) shall constitute a civil penalty, which is a County infraction. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined as scheduled:

1. First offense: \$250.00;
2. Second offense: \$500.00;
3. Third or subsequent offenses: \$750.00.

Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Black Hawk County from taking such lawful action as is necessary to prevent or remedy any violation. [Ord. 66, 2001; Ord. 39 § 13, 1996. Code 2009 App. B, § 13.]

