

SUBDIVISION REGULATION ORDINANCE

DES MOINES COUNTY, IOWA

ORDINANCE NO. 29

First Subdivision Regulations
Adopted by Resolution March 15, 1976

Current Ordinance
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ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1. SHORT TITLE. This document shall also be known as the “Subdivision Ordinance.”

SECTION 2. PURPOSE. This ordinance is enacted pursuant to the authority granted by Chapter 354 of the Code of Iowa which authorizes Counties to apply reasonable standards and conditions in their review and approval of subdivisions. The purpose of this ordinance is to promote health, safety and general welfare within Des Moines County, Iowa, by creating minimum standards for the design, development and improvement of all new subdivisions and resubdivisions in the County.

¹ SECTION 3. APPLICATION & EXEMPTIONS. These subdivision regulations apply to subdivision of land, as defined in Article II (Definitions), located within the unincorporated areas of Des Moines County as provided by law. A resubdivision will apply to further division of lots in an already approved final subdivision plat.

- 3.1 The conveyance of a parcel to a governmental entity for a public improvement is not considered to be the creation of a new parcel for purposes of this ordinance.
- 3.2 The sale or exchange of small parcels of land to or between owners of adjacent platted lands, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than fifty (50%) percent of the area of the enlarged lot after such transfer, shall not be considered a subdivision.
- 3.3 Whenever two smaller parcels are subdivided from an original tract of forty acres or larger, only the smaller parcels must be platted.

SECTION 4. FEES ESTABLISHED. By resolution, the Board of Supervisors shall establish fees for the preliminary and final plat review. Review will be coordinated by the Subdivision Administrator. No plat for any subdivision or resubdivision shall be recorded until such fee is paid to the Subdivision Administrator.

SECTION 5. SUBDIVISION OF LAND IN UNINCORPORATED AREAS. Subdividers of land in unincorporated areas of Des Moines County shall submit the required plat to the Board of Supervisors. Upon approval, the plat shall be recorded as prescribed by this ordinance.

SECTION 6. SUBDIVISION OF LAND WITHIN JURISDICTIONAL LIMITS OF CITIES. Nothing in this ordinance shall limit the right of a city to review and approve a subdivision plat pursuant to Section 354.9 of the Code of Iowa. Any subdivision plat subject to review by a city pursuant to Section 354.9 of the Code of Iowa must be approved by both the County, under this ordinance, and the city, under its procedures, prior to the recording of the subdivision plat. Review of the plat by the city should be done prior to review by the county.

SECTION 7. SURVEY. the survey and monumentation shall be in compliance with Chapters 354 and 355 of the Iowa Code.

SECTION 8. ACQUISITION PLAT. In the event a land owner transfers ownership or provides easement to an entity having the power of eminent domain, an acquisition plat shall be executed which conforms to the requirements of Section 354.4(3) of the Iowa Code.

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ARTICLE II – DEFINITIONS

SECTION 1. GENERAL. In addition to or instead of the definitions in Section 354.2 and 355.1 of the Iowa Code, the following definitions apply.

SECTION 2. TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be interpreted as follows: words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, the term “shall” is mandatory, and the term “may” is permissive.

- 2.1 *Alley* – A public thoroughfare which affords only a secondary access to abutting property.
- 2.2 *Block* – An area of land within a subdivision that is entirely bounded by roadways, railroad right-of-way, rivers, tracts of public land, or the boundary of the subdivision.
- 2.3 *Board of Supervisors* – The Board of Supervisors of Des Moines County, Iowa.
- 2.4 *Building Setback* – A line measured from the right of way line, or property line, which designates the buildable area of the property.
- 2.5 *County* – Des Moines County.
- 2.6 *County Engineer* – The professional engineer registered in the State of Iowa and designated as County Engineer by the Board of Supervisors.
- 2.7 *Cul-de-Sac* – A roadway having one end connecting to another roadway, and the other end terminated by a vehicular turn around.
- 2.8 ³*Driveway* – A private drive or lane, not within a designated public right-of-way, used exclusively for access from a public or private street directly to not more than two lots or parcels developed for single family residential or agricultural purposes. Any driveway within a newly constructed subdivision as regulated under this ordinance shall be of at least a width of twelve (12) feet and shall be of a packed rock or paved surface sufficient to permit reasonable all-weather passage
- 2.9 *Easement* – A grant from the property owner (grantor) to a designated person or entity (grantee) for a particular usage on a specified parcel. On said parcel, the grantor shall not erect any permanent structures, but shall have the right to make any other uses of the land that are not inconsistent with the rights of the grantee.
- 2.10 *Engineer* – An Engineer registered in the State of Iowa.
- 2.11 *Final Subdivision Plat* – The graphical representation of the land division which is presented to the County Recorder. The plat shall be prepared by a registered land surveyor in compliance with the provisions of Chapters 354 and 355 of the Iowa Code and this ordinance.
- 2.12 *Flood Hazard Area* – Any area subject to a flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every one hundred (100) years. (Refer to Des Moines County Flood Plain Management Ordinance # 25, adopted July 19, 1993).
- 2.13 *Improvements* – Roadways or street pavement, bikeways, water mains, sanitary sewer lines, storm drainage systems, street signs, or any erected physical facilities that are to be installed by the developer.
- 2.14 *Iowa Code* – The Code of the State of Iowa.

- 2.15 *Land-Locked* – A developable tract of land which is hampered in development because of inadequate public or utility access.
- 2.16 *Lot* – A tract of land represented and identified by number or letter designation on an official plat.
- 2.17 *Owner* – The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
- 2.18 *Plat* – A graphical representation upon which a developer’s plan for the subdivision of land is presented.
- 2.19 *Preliminary Subdivision Plat* – A study, including drawings, indicating the proposed manner of layout and construction of a subdivision and its proposed improvements.
- 2.20 *Prime Agricultural Land* – A contiguous parcel of land having a minimum of twenty (20) acres and having a Corn Suitability Rating (CSR) of seventy (70) or greater.
- 2.21 *Public Utility* – Any business which furnishes the general public telephone or television service, electricity, natural gas, water, sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State of Iowa.
- 2.22 *Resubdivision* – Any further division of land that has been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
- 2.23 *Right-of-way* – The land dedicated to and accepted for public use and providing access to abutting property.
- 2.24 *Roadway* – The improved portion of the right of way. Typically this would be between the back of curbs or between the edge of pavement or gravel.
- 2.25 *Subdivider* – Any person, firm, corporation, partnership, association or trust, who shall lay out, or cause to be laid out, for the purpose of transfer of ownership or building development, any subdivision or part thereof, as herein defined.
- 2.26 ¹ *Subdivision* – Any land vacant or improved, which is divided or proposed to be divided, by repeated divisions or simultaneous divisions, into three (3) or more lots, parcels, sites, units, plots, or tracts for the purpose of offer, sale, lease or development whether immediate or future. Subdivision includes the division or development of residential or nonresidential land whether by deed, metes and bounds description, device, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision.
- 2.27 *Subdivision administrator* – The individual assigned the duty to administer this ordinance by the Board of Supervisors.

ARTICLE III – PRELIMINARY PLAT

SECTION 1. PLANNING CONFERENCE. Any person intending to subdivide land within the terms of these regulations may request a planning conference with the Subdivision Administrator to discuss the proposed subdivision. Following the Planning Conference, the Administrator may waive the Preliminary Plat requirement if the subdivision is a simple two or three lot layout. Subsequent review and approval of preliminary and final plats shall in no way be bound by the planning conference.

SECTION 2. PRELIMINARY PLAT SUBMITTAL. The subdivider must submit a preliminary plat along with an application form and appropriate fee to the Subdivision Administrator according to the procedures specified herein. The preliminary plat of a subdivision is not to be recorded or filed.

- 2.1 **PLAT DISTRIBUTION.** Eight (8) copies of the preliminary plat shall be delivered to the Subdivision Administrator. The Administrator shall provide a copy of the preliminary plat to the: 1) Board of Supervisors, 2) County Health Department, 3) County Auditor, 4) County Assessor, 5) Secondary Roads Department, and 6) Natural Resources Conservation Service for their review.
- 2.2 **SCALE.** The scale of the map shall be 1" = 100' or larger, and placed on a 24" x 36" drawing. A different scale or drawing size may be used if prior approval is obtained from or is otherwise requested by the Subdivision Administrator.

- 2.3 **CONTENTS.** In addition to Section 354.6 and 355.8 of the Iowa Code, the following information is requested:
 - A) A vicinity sketch at a legible scale showing relationship of the plat to its general surroundings.
 - B) An "Information Block" that contains the names, addresses and phone numbers of the property owner(s), developers and utility companies which serve the subdivision.
 - C) Existing and proposed utility systems, including sanitary and storm sewer, water, gas, electric utilities and other services. The size, capacity, invert elevation and location shall be shown.
 - D) Location, names, and widths of all existing and proposed roadways within or adjoining the area being subdivided, including approximate gradients, and surface types.
 - E) The record owner(s), contract owner(s) and location of adjoining parcels. A list of all record owners and contract owners of property located within two hundred (200) feet of the subdivision boundary shall be attached.
 - F) Existing and proposed topographic contour lines. Contour intervals shall be two feet unless otherwise approved by the Subdivision Administrator. Contour lines

may be waived in the case where no new streets or sewers will be constructed.

2.4 ACCOMPANYING MATERIAL. In addition to the review fee, preliminary plats shall be accompanied by the following documents:

- A) A statement of any protective covenants or restrictions to be imposed upon the plat.
- B) Verification by the appropriate officials concerning the availability and adequacy of gas, electricity, sewer and water to the proposed subdivision. This should include statements and recommendations from fire and emergency service providers.
- C) The Administrator may require the subdivider to obtain input from school district officials, units of government and other appropriate officials.

SECTION 3. PRELIMINARY PLAT APPROVAL.

3.1 The preliminary plat requires formal action by the Board of Supervisors within 30 days following receipt of a complete application and preliminary plat. The Subdivider shall be advised, in writing, that the plat is:

- A) Approved as submitted; or
- B) Conditionally approved with modifications; or
- C) Not approved with written explanation; or
- D) Tabled to await further information

The preliminary plat shall be automatically approved if the Board of Supervisors do not act within forty-five (45) days. A time extension may be mutually agreed upon.

3.2 The action shall be noted on three (3) copies of the preliminary plat with conditions or explanations attached. One (1) copy shall be returned to the Subdivider and the other copies retained by the Administrator.

3.3 The “Approval” or “Conditional APPROVAL” shall not constitute final acceptance of the subdivision by the County. It is an authorization to proceed with preparation of the final plat in accordance with this ordinance.

ARTICLE IV – FINAL PLAT

SECTION 1. FINAL PLAT SUBMITTAL. The Subdivider may submit a final plat for all or part of the approved preliminary plat. Final plats submitted two years after the approval date of the preliminary plat shall not be acted upon until the Board of Supervisors re-approves the preliminary plat. The final plat shall be prepared in accordance with the specifications and standards of these regulations and in conformance with the approved preliminary plat. Additional time may be required for the review process if there are significant changes to the preliminary plat.

1.1 **PLAT DISTRIBUTION.** Eight (8) copies of the final plat with one (1) 11” x 17” reduced, reproducible copy and one (1) copy of the herein described accompanying material shall be delivered to the Subdivision Administrator. The Administrator shall provide a copy of the final plat to the: 1) Board of Supervisors, 2) County Health Department, 3) County Auditor, 4) County Assessor, 5) Secondary Roads Department, and 6) Natural Resources Conservation Service for their review.

1.2 **SCALE.** The scale of the map shall be 1” = 100’. A different scale may be used if prior approval is obtained from or is otherwise requested by the Subdivision Administrator.

1.3 **CONTENTS.** The document shall be clearly marked “Final Plat.” In addition to Section 354.6, 355.8 and 355.9 of the Iowa Code, the following information is required:

A) Name and address of the owner and subdivider.

B) A prominent statement on the plat that; “In addition to the claims exempted pursuant to Section 670.4(7) of the Iowa Code dealing with public roads, Des Moines County is not involved in the maintenance of this private right-of-way and is further held harmless for any costs in maintaining said road system or right-of-way or for any other damages sustained pertaining to the use of said road system or right-of-way.”

C) All instruments for recording shall provide a space at the top of the instrument at least 8-1/2” wide across the page by 2” in length. On the bottom ¼ of this space shall be typed or legibly printed the name, address, and telephone number of the individual who prepared the instrument. The remaining portion of this space shall be reserved for use by the County Recorder.

D) ¹Building Setback Line

1.4 **ACCOMPANYING MATERIAL.** In addition to the review fee and the requirements of Section 354.11 of the Iowa Code, final plats shall be accompanied by the following material:

A) ¹Subdivision road plans shall be prepared and certified by a registered Iowa Professional Engineer.

B) Drainage plans, including, but not limited to, capacity calculations for culverts and

structures. All plans and calculations shall be prepared by a registered engineer.

- C) Underground Water Hazard Statement.
- D) County Health Department waiver for any subdivisions that cannot be reasonably served by public sewer.
- E) Soil Erosion Control Plan addressing erosion control during and after construction, Soil Erosion Lien (if any), and Department of Natural Resources storm water discharge permit, as needed. These plans and permits will be reviewed and monitored during construction by the Natural Resources Conservation Service.
- F) Federal Conservation Reserve Program (CRP) agreements.
- G) A notarized statement that improvements are complete or a performance bond or other acceptable financial security (refer to: Article VI, Section 1).

SECTION 2. FINAL PLAT APPROVAL. The Board of Supervisors shall act upon the Final Plat within thirty (30) days of its submission unless an extension is agreed to with the Subdivider. The final plat shall be approved when found to be in conformance with the provisions of the Iowa Code and this Ordinance. The plat may be tabled if further information must be acquired. If it is the decision of the Board to not approve the application or to grant conditional approval, the Board shall provide justification or specify said conditions in writing. The Subdividers rights to appeal are outlined in Chapter 354.10 of the Iowa Code.

²**SECTION 3. MINOR PLAT APPROVAL.** Whenever a final plat represents a subdivision of land involving the creation of no new streets, roadways or rights-of-way or other public improvements or utility extensions and where each lot transfer occurs either between and among close family relations (husbands, wives, sons, daughters, sisters, brothers or grandparents and grandchildren including step relations or adopted children), and/or between adjoining owners, the plat may be considered a “minor subdivision plat” and approved administratively by agreement and written consent and signature of the Land Use Administrator, County Engineer, County Auditor, County Public Health Department, Zoning Commission Chair for

presentation to the Board of Supervisors. CSR provisions, and the approval of the full Zoning Commission membership shall be waived. Public hearing requirements shall also be waived unless such a hearing is requested by the Board of Supervisors prior to approval.

The fee for such a subdivision shall be equal to one half of the fee charged for the processing of a final plat under Section 2 of this Article. Note: This section shall not exclude the right of any city with boundaries within two miles of the planned subdivision to exercise their respective subdivision review procedures.

The Board of Supervisors may, through resolution, approve or disapprove of the subdivision request or they may refer the request to the Zoning Commission for a recommendation prior to a vote of approval or disapproval.

²**SECTION 4. EFFECT OF BOARD ACTION.**

Approval of the Final Plat by Board resolution shall authorize the Subdivider to present said document to the County Recorder. Final Plat approval shall not constitute acceptance of roads or any other improvements within the Subdivision. Not approving the Final Plat shall terminate further consideration of such application.

²**SECTION 5. APPLICATION FOR AMENDMENT, MODIFICATION, OR WITHDRAWAL.**

4.1 **AMENDMENTS.** The Subdivider may, upon authorization from the Board of Supervisors, amend the application. A revised preliminary or final plat shall be submitted which will be re-examined and approved by the Board. Plats modified to satisfy conditional approval comments shall not require re-approval.

4.2 **WITHDRAWAL.** The Subdivider may withdraw the application at any stage in the review process. At that time, the application fee will be forfeited. Re-submission of a previously withdrawn plat shall constitute a new application and shall be submitted in accordance with the specified procedures for an initial application.

²**SECTION 6. PLAT RECORDING.** No subdivision plat, resubdivision plat or street dedication within unincorporated Des Moines County, Iowa, shall be filed with the County Recorder until reviewed and approved in accordance with the provisions of this Ordinance. Upon approval, the Subdivider shall file two (2) copies of said plat with the County Auditor,

one (1) copy with the County Assessor, and one (1) copy with the County Recorder as required by Section 354.18 of the Iowa Code. The plat shall be considered null and void unless it is filed within one hundred eighty (180) days after approval by the Board of Supervisors. A resolution by the Board of Supervisors shall accompany the plat.

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ARTICLE V – POLICY & DESIGN STANDARDS

SECTION 1. POLICY STANDARDS FOR SUBDIVISION DESIGN. The standards and details of design contained herein are intended only as minimum requirements. In applying these standards, the Subdivider should consider site conditions to assure an economical, pleasant and durable neighborhood.

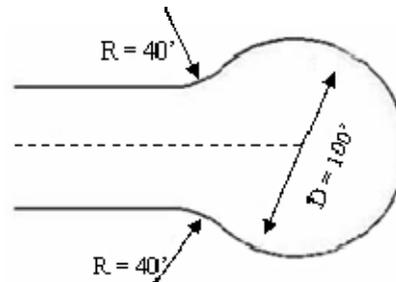
SECTION 2. ROADWAYS.

- 2.1 **CIRCULATION.** Vehicular access shall be provided to all subdivision parcels with particular consideration given to operation of emergency vehicles. Provision shall be made for continuation of existing roads on adjoining property.
- 2.2 **RIGHT OF WAY.** Roadway right of way shall be dedicated for public use but does not become a part of the County Secondary Road system. Roadway maintenance, including the entrance onto County road, remains the responsibility of residents within the subdivision. Minimum right of way required:

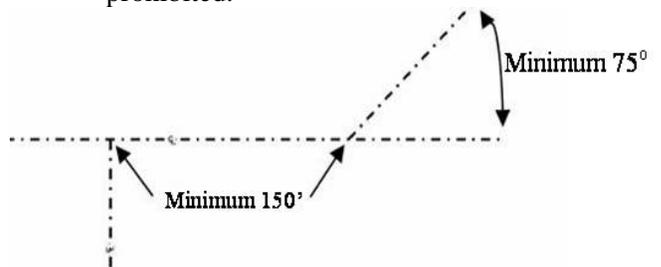
RESIDENTIAL	66'
COLLECTOR	80' (serving 20+ homes)
ALLEY	20'
CUL DE SAC	100' Diameter Bulb 40' Rad. Transitions

1 – Amendment 11-25-97

- 2.3 **CUL DE SAC – TEMPORARY DEAD END.** Cul de sacs shall not exceed 1,000 feet in length. A temporary dead end road with an interim turn-around may be allowed at a subdivision boundary.



- 2.4 **INTERSECTIONS.** The minimum acute angle of intersecting roads shall be 75° with 90° recommended. Intersections with centerlines offset less than 150' on the connecting road are prohibited.



- 2.5 **ALLEYS.** Alleys are allowed in commercial or industrial developments but are generally not permissible with residential subdivisions.
- 2.6 **GRADE.** Proposed roads should consider topography to produce usable lots. Road grades shall not be less than one (1) percent or exceed ten (10) percent. A three (3) percent center crown is recommended.

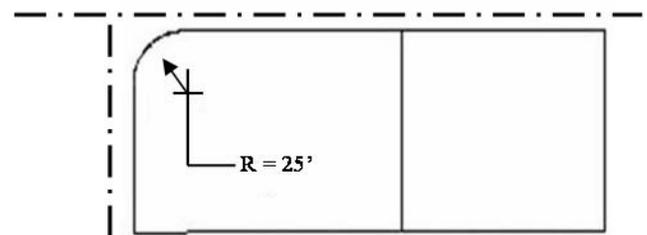
- 2.7 SURFACING. The minimum traffic surface shall consist of four (4) inches of Class A (3/4") crushed stone, 22' wide. The base of the road shall consist of two (2) inches of Class A (2") crushed stone, 22' wide. Earthen shoulders, two feet minimum, shall be provided on each side. All underground utilities shall be installed beneath roadway prior to surfacing.
- 2.8 ENTRANCES. Private driveway access onto County roads shall be minimized. This may be accomplished by installation of frontage roads and cul de sacs or by positioning the rear lot lines along the County Road.
- 2.9 RAILROADS. Wherever a subdivision adjoins the main-line railroad track, a 50' green space buffer shall be provided. Lots shall be positioned with rear lot lines along said green space buffer.
- 2.10 STREET NAMES. Newly platted roads shall comply with requirements of the E911 street naming system. Sign installations are the Subdivider's responsibility and shall conform to E911 standards.
- 2.11 ¹CUL-DE-SAC LOTS. The surfacing of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of sixty (60) feet. The surfacing shall consist of the same requirements as those stated in item 2.7 SURFACING.

SECTION 3. EASEMENTS

- 3.1 GENERAL. A 15' wide easement shall be provided adjoining the right of way line. Rear lot or additional front and side lot easements may be required by the utilities or the County.
- 3.2 OPERATION. Utility easements convey the right to construct, operate, and maintain the improvements. This includes the right to trim or remove trees within four (4) feet of wires or poles.
- 3.3 DRAINAGE. Any surface water course shall be encompassed by easement at least ten (10) feet each side of the normal channel. This shall be designated as a utility easement and shall be adequate to provide for any necessary channel relocations.

SECTION 4. BLOCKS

- 4.1 LAYOUT. The length of blocks shall not be less than 500' nor more than 1200'. Sufficient width should be provided to accommodate two tiers of lots.
- 4.2 PEDESTRIAN ACCESS. Ten (10) foot wide through easements may be required mid way for blocks longer than 800'
- 4.3 INTERSECTIONS. Block corners shall be rounded with a radius of 25'.



SECTION 6. LAND USE CONSIDERATIONS.

- 6.1 ³AGRICULTURAL. No residential subdivision shall be approved that involves the division of prime agricultural land. For purposes of this section, residential subdivisions shall be defined as divisions of land creating one or more new lots or tracts of land with one or more lot(s) or tract(s) being less than five (5) acres in size and such lot(s) being utilized, at least in part, for the planned construction or presence of a residential dwelling unit(s).
- 6.2 FLOOD PLAIN. Development restrictions are outlined within the Flood Plain Management Ordinance #25. Generally, flood prone areas shall be utilized as common green space or as open space within individual lots.
- 6.3 SUITABILITY. No land shall be subdivided which has inadequate drainage, adverse soil conditions, sink holes, topographic restrictions or any other features likely to be harmful to the health, safety or general welfare of the subdivision or County residents. Lands altered or filled with non-earth materials within ten (10) years of the application date shall not be subdivided into building sites served by soil absorption waste disposal systems. These lots shall obtain Health Department acceptance if in a land fill area older than ten (10) years.

SECTION 7. SEDIMENT CONTROL. Construction operations shall minimize disturbances to established trees and ground cover as much as possible in order to control erosion and sediment discharge on and from the site.

- 7.1 PLAN. The Subdivider shall prepare an erosion control plan in accordance with the Des Moines County Soil Conservation District Technical Guide, unless waived by the Subdivision Administrator. The plan should stipulate required seeding and sodding as well as silt fences, sediment basins and other controls deemed necessary.
- 7.2 RESPONSIBILITY. The subdivider shall control sediment discharge from the site and is responsible for damage to downstream drainage systems.

ARTICLE VI – IMPROVEMENT CRITERIA

SECTION 1. BOND. The Subdivider shall complete improvements described within Articles V and VI prior to final plat approval by the Board of Supervisors. In lieu of completing the improvements, the Subdivider may provide a performance bond or other acceptable financial security to Des Moines County. The bond shall be used to accomplish said improvements if the Subdivider has not performed within two (2) years of final plat approval. The bond shall be in an amount not less than 110% of the construction estimate prepared by the Subdivider and agreed upon by the Board of Supervisors.

SECTION 2. IMPROVEMENTS. The Subdivider is responsible for construction of all improvements required by this Ordinance.

2.1 **PRIVATE ROADS.** The subdivision residents are responsible for maintenance and operation of interior roadways. This is typically accomplished through homeowners association. Refer to Article V (2.7).

2.2 **PUBLIC ROADS.** Collector approach roadways may, upon formal action of the Board of Supervisors, become part of the County road system. Prior to that acceptance, the Subdivider is responsible to construct the roadway.

Surfacing required for roadway proposed as part of County road system:

Flexible Pavement	3” A.C.C. (Asphalt)	8” Granular Base Course
Rigid Pavement	6” P.C.C. (Concrete)	4” Granular Base Course

The above thicknesses are minimum requirements. The County Road Department may require thicker pavement where poor subgrade conditions exist.

2.3 **STORM SEWERS.** The Subdivider shall provide adequate ditches, culverts, and structures to collect and remove surface water.

- A) Culvert shall be 15” minimum diameter and larger as the drainage area warrants.
- B) Corrugated metal pipe (16 gauge), concrete pipe (Class III) or plastic pipe (as approved) are acceptable culvert materials.
- C) Storm sewers may be required to extend adjoining subdivision boundaries for future connection and extension.
- D) A sedimentation basin shall be provided wherever the storm sewer improvements terminate at a natural watercourse.

2.4 **SANITARY SEWER**

- A) **MUNICIPAL SYSTEM.** Where allowed by the urban growth policy, the Subdivider shall connect to a municipal treatment system. The subdivision system shall be approved by the municipality and constructed to the appropriate standards. Sewer mains shall be extended to the subdivision boundary with service provided for each lot.
- B) **LOCAL SYSTEM.** Where a municipal system is not available, the Subdivider has the option to install a local treatment system in

accordance with County and State Boards of Health standards.

- C) PRIVATE SYSTEM. Where neither a municipal or local system is provided, private systems may be installed in accordance with County Health Department requirements. In this instance, the individual builders generally are responsible for installations of the septic tank / sand filter or other approved system.
- D) HEALTH DEPARTMENT. The County Health Department (i.e. County Sanitarian) may require preliminary studies to be done by the Subdivider or their agents to determine suitability of any or all lots where a private waste treatment system is proposed. If a sub-surface absorption is proposed or if physical factors suggest that this may be the system of choice for any and all lots, then percolation tests conducted by a licensed engineer may be required. Where sub-surface sand filters are proposed or required the Subdivider will be expected to comply with these and all other regulations as stated by Chapter 69 of the Iowa Code and the Des Moines County Board of Health.

2.5 WATER.

- A) MUNICIPAL SYSTEM. Where allowed by the urban growth policy, the Subdivider shall connect to a municipal water supply. The subdivision system shall be approved by the municipality and constructed to the appropriate standards. Water mains shall be extended to the subdivision boundary with service provided for each lot.
- B) RURAL SYSTEM. Where a municipal system is not available, the Subdivider shall be responsible for extending the rural water system as well as providing connections for each lot.

NOTE: At this time, Rathbun Rural Water is available throughout Des Moines County except in the northwest corner. Private wells, in accordance with Health Department standards, will be permitted in said northwest corner until rural water becomes available.

2.6 GAS. Where practical, gas mains shall be laid on the opposite side of the street from water mains and outside the traveled roadway.

2.7 ELECTRIC, TELEPHONE, CABLE. The Board of Supervisors may require that all utility lines, except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. Permitted overhead utility lines shall be placed within easements along the rear lot line. The Subdivider is responsible for coordinating installations with the utility companies. Transformers, pedestals and similar above-ground

appurtenances shall be located so as not to be unsightly or hazardous.

2.8 LANDSCAPING. The Subdivider shall finish grade, seed and fertilize green space, drainage ways and right of way.

SECTION 3. SPECIFICATIONS. Current public utility and County specifications shall apply to the required improvements. It is the Subdivider's responsibility to coordinate with those entities prior to any construction and to submit plans and specs as required. Whenever the subdivision roadways connect to a State roadway, the Subdivider shall also coordinate with the Department of Transportation.

SECTION 4. INSPECTION. The County will inspect roadway and sewer improvements within the subdivision. The inspection is intended only as a cursory review for compliance with the minimum Ordinance requirements and does not infer that the County warrants or accepts the improvement. The cost of said inspection shall be borne by the Subdivider and shall be the actual cost of the inspection to the County.

SECTION 5. MAINTENANCE BOND. Prior to the release of the performance bond, the Subdivider shall provide a two (2) year maintenance bond in an amount equal to 10% of the performance bond. Said maintenance bond shall indemnify the County and/or utilities from costs or losses resulting from defective improvements.

²SECTION 6. PURPOSE. The intent of this provision is three fold: to protect Des Moines County farmers, ranchers and livestock from the new rural homeowners their families and pets, new rural homeowners from livestock incursions, and to assist the Township Trustees in fencing disputes.

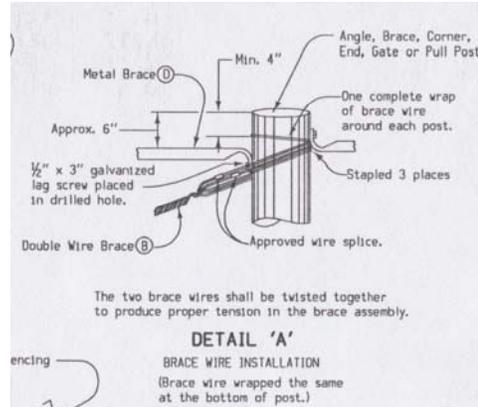
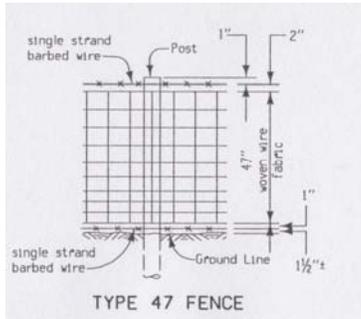
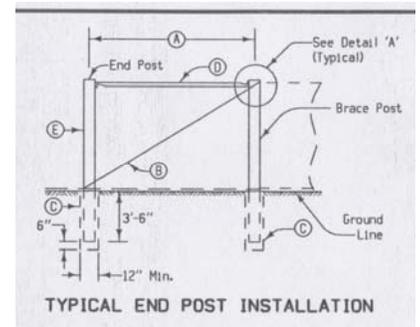
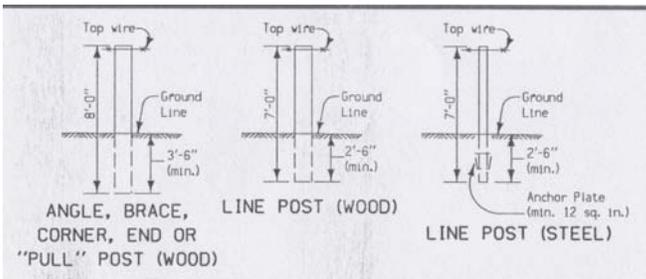
Prior to the final reading and vote for a new subdivision, the developer(s) must pay for and fence property lines where no fencing or substandard fencing exists and supply proof of same for all property within the proposed subdivision that touches adjacent agricultural land or produce in writing evidence that an agreement(s) with adjoining property owners has been reached in accordance with Item 1 below.

All adjoining agricultural landowner(s) and developer(s) of the subdivision may agree in writing not to erect a fence or to share in the costs of a different type of fence other than one that meets or

exceeds minimum standards as described in Section (3). If no agreement is made and signed by all parties then the below Section (3) fence standards apply.

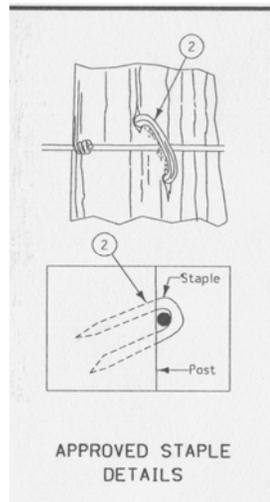
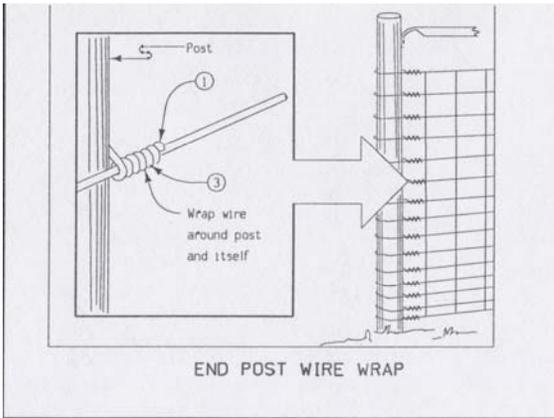
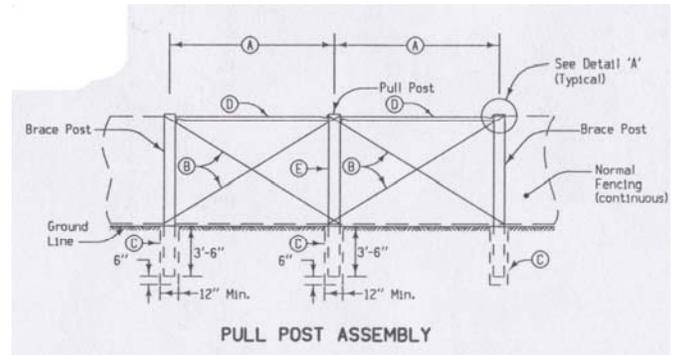
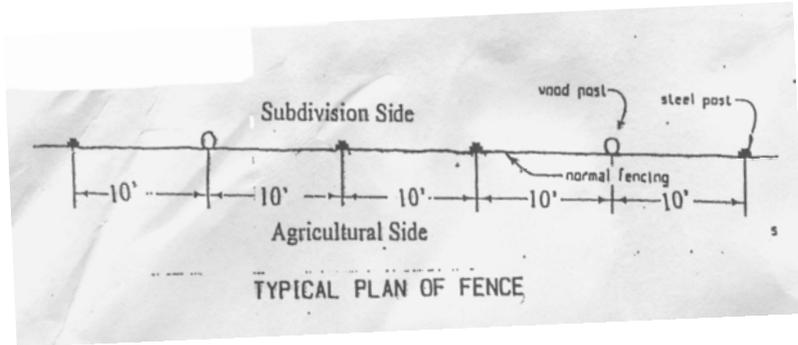
- 1) This written agreement must be provided to the Board of Supervisors prior to final reading along with a letter of completion of fence construction and standards by the County Land Use Department or their designee.
- 2) A fee payable to Des Moines County for this inspection will be set by the Board of Supervisors.
- 3) All fences shall be erected up on the property line of the adjoining landowners in accordance with Type 47 fence standards as diagramed. Wood line posts should be no less than 4" in diameter.
- 4) Details on Type 47 fencing can be found in the Iowa DOT Standard Specifications Manual for Highway and Bridge Construction Series 2001 among other DOT Manuals.
- 5) After construction and approval by the Board of Supervisors, Iowa Fence Laws will regulate further issues.

SECTION 7. RESUBDIVISIONS. The Board of Supervisors may waive specific Ordinance requirements as long as the proposal does not conflict with the State Code or provisions of this Ordinance.



- (A) Brace Panel
- (B) Brace wire: 4 strands of No. 9 wire.
- (C) Details indicate placement of granular material for certain posts. Posts may be driven if satisfactory method is demonstrated to the Engineer. Granular material will not be required for driven posts.
- (D) Metal Brace 8' long.
- (E) Wrap wire fabric around post.
- (I) Unless specified otherwise on detail plans, gates shall be 16 feet in width. Double gate is required only for widths more than 16 feet. Exact details of gate design shall be subject to the approval of the Engineer. Installation shall be as recommended by the manufacturer.

The two brace wires shall be twisted together to produce proper tension in the brace assembly.



ARTICLE VII – PLANNED UNIT DEVELOPMENT

SECTION 1. CLUSTER SUBDIVISION. This section is intended to permit the development of cluster subdivisions in which buildings and dwellings are grouped together. The concept of clustering will provide for flexibility in subdivision design to fit the natural characteristics of land and will permit more usable open space, common ground and recreational area. The specific provisions of this section shall not be construed to apply to any other section of this Ordinance. However, all other sections of this Ordinance shall apply to cluster subdivisions unless specifically exempted by this section.

SECTION 2. EXCEPTIONS AND APPLICATIONS. The total land area of the development divided by the total number of single family dwelling units provides an average land area per family dwelling unit. The average land area must be equal to or greater than minimum lot areas (refer to: Article V [5.6]). Total land area of the development shall include all open space, common ground, and recreation areas. The following provisions apply:

- 2.1 A minimum of 10% open space, common ground, or recreational area shall be provided for the use and benefit of the family units in the development.
- 2.2 All cluster lots must abut or have direct access to open space, common ground, or recreational area.
- 2.3 At no time shall approval be granted to developments which include lots containing less than fifty percent (50%) of the lot area considered minimal.

SECTION 3. OPEN SPACE COVENANTS. As a condition of approving the cluster subdivision and permitting exceptions to the standard subdivision requirements, the Subdivider shall submit an agreement regarding the liability for the maintenance for the open space, common ground, or recreation areas.

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ARTICLE VIII – GENERAL PROVISIONS

SECTION 1. ENFORCEMENT.

- 1.1 **VALIDITY.** No plat or subdivision in Des Moines County, Iowa shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this Ordinance and has been approved by the Board of Supervisors as prescribed herein.
- 1.2 **PERMITS.** No County agency shall issue permits until the Subdivider complies with the provisions of this Ordinance.

SECTION 2. PENALTIES. Violations of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be fined not more than \$100 or imprisoned for not more than 30 days. Each day shall constitute a separate violation. Nothing herein contained shall prevent Des Moines County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 3. VARIANCES. The Board of Supervisors may grant a variance from these provisions. A written petition seeking a variance should be submitted specifying the relief requested.

SECTION 4. AMENDMENTS. This Ordinance can be amended by the Board of Supervisors. Notification and publication requirements as contained within the Iowa Code are applicable.

SECTION 5. SEVERABILITY CLAUSE. Should any section or provision of this Ordinance be declared by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 6. REPEALER. All resolutions, ordinances or parts of resolutions and ordinances in conflict with provisions of this Ordinance are hereby repealed.

SECTION 7. INCLUSION. Chapters 354 and 355 of the Iowa Code are included within this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon its adoption and publication as required by law.