

**SUBDIVISION ORDINANCE**  
**DES MOINES COUNTY, IOWA**

ORDINANCE NO. 29

Original Subdivision Ordinance  
Adopted March 15, 1976

Current Ordinance  
Adopted February 22, 2022

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## ARTICLE I – GENERAL PROVISIONS

- A. **Purpose.** This ordinance is enacted pursuant to the authority granted by Chapter 354 of the *Iowa Code* 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.
- B. **Jurisdiction.** This Ordinance shall apply to all subdivisions of land in unincorporated Des Moines County, apart from the exemptions outlined in Section C of this Article. Subdivision plats shall be submitted to the Land Use Administrator for review and consideration by the Zoning Commission (if applicable) and the Board of Supervisors.
1. **Subdivisions within Two Miles of a City.** If an incorporated city has established by its own ordinance the authority to review and approve subdivisions within two (2) miles of its corporate boundaries, as provided for in Chapter 354.9 of *Iowa Code*, any subdivision plat subject to review by that city shall be approved by both the County and City under their own respective ordinances, prior to the recording of the plat.
    - a) A city exercising such authority may either waive its right to review any such subdivision, or attach conditions upon its approval of the plat, provided that such action shall be certified by resolution and recorded with the plat.
    - b) Review of a subdivision plat by the city may be done concurrently with review by the County – however, no such plat shall be approved by the Board of Supervisors until the City in question has submitted official documentation either approving the subdivision plat or waiving its right to review it.
    - c) Pursuant to Chapter 28E of *Iowa Code*, the County may establish an agreement with a city to formally set the standards and conditions for review of subdivisions within two (2) miles of that city’s corporate boundaries.
- C. **Exemptions.** Under certain conditions, the splitting of property through a plat of survey will not require a subdivision, and thus it will not be subject to the provisions of this Ordinance.
1. **Public Improvements.** The conveyance of a parcel to a governmental entity for a public improvement (such as roads and utilities) is not considered to be the creation of a new parcel for purposes of this ordinance.
  2. **First Split Rule.** In accordance with Chapter 354 of *Iowa Code*, whenever an original 40-acre quarter-quarter section from the Public Land Survey has never been split or subdivided since the effective date of the Original Subdivision Ordinance (March 15, 1976), the creation of one additional lot from that quarter-quarter through a plat of survey shall not be considered a subdivision. However, any subsequent split (or any split that involves the creation of more than one (1) parcel) shall be considered a subdivision.
    - a) In instances where the proposed split is located within the designated two-mile review jurisdiction of a municipality (as described in Section C of this Article), that municipality may still consider the split to be a subdivision, under its own regulations.

- b) If such a split is located within the designated two-mile review jurisdiction of a municipality (as described in Item C of this Article) and would constitute a subdivision under the provisions of that municipality's code of ordinances, then the County shall consider it to be a subdivision as well.
- 3. Enlargement of Existing Lots. When an existing lot is to be enlarged through a plat of survey, by surveying either the entire lot or the portion of the adjoining lot to combined with it, this shall not be considered a subdivision unless the area to be added constitutes greater than fifty (50) percent of the total enlarged lot.
- 4. Resubdivisions. In the event that land within a previously platted and recorded subdivision is later resubdivided, this shall be considered a subdivision, unless it involves the creation of no new lots, and the lots to be altered will comply with Section C(3) above.

D. **General Platting Requirements.**

- 1. Survey Standards. The survey procedure and monumentation used in creating a subdivision plat shall be in compliance with Chapters 354 and 355 of the *Iowa Code*.
- 2. Parent Parcels. When an existing lot of record is being subdivided, a portion of the original lot may be excluded from the subdivision plat, with the subdivided area extracted from its legal description after the subdivision is recorded.

E. **Administration and Enforcement.** The Board of Supervisors shall appoint a Land Use Administrator, and any additional staff that may be necessary to serve as assistants to the Administrator, with the responsibility to enforce the provisions of this Ordinance.

- 1. 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 legal validity until it complies with the provisions of this Ordinance and has been approved by the Board of Supervisors as prescribed herein.
- 2. Fees. By resolution, the Board of Supervisors shall establish fees for the review of Preliminary and Final Plats. Review will be coordinated by the Land Use Administrator. No plat for any subdivision or resubdivision shall be recorded until such fee is paid to the Land Use Administrator.
- 3. Penalties. If the owner, or an agent acting on their behalf, knowingly or with intent to defraud, transfers or sells any land by reference to or by other use of a subdivision plat before such plat has been approved by the Board of Supervisors, this shall constitute a county infraction, as defined by Chapter 331.307 of *Iowa Code*.
  - a) In accordance with Chapter 331.307 of the *Iowa Code*, anyone convicted of this offense shall be fined not more than seven hundred fifty (750) dollars for the first offense, and not more than one-thousand (1,000) dollars for each repeat offense, or be imprisoned for not more than thirty (30) days for each offense.
  - b) Nothing contained herein shall prevent Des Moines County from taking such other lawful action is necessary to prevent or remedy any violation.

- F. **Amendments.** This Ordinance may be amended through official action by the Board of Supervisors.
1. Before submitting its recommendation to the Board, the Zoning Commission shall hold at least one public hearing on the matter. Notice of the hearing shall be given not less than four (4) days nor more than twenty (20) days prior to the hearing, in a newspaper of general circulation in the County.
- G. **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”.

## ARTICLE II – DEFINITIONS

A. **General.** In addition to or instead of the definitions in Section 354.2 and 355.1 of the *Iowa Code*, the following definitions shall apply.

B. **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.

**BLOCK.** An area of land within a subdivision that is entirely bounded by roadways, railroads, rivers, tracts of public land, or the boundary of the subdivision.

**BOARD OF SUPERVISORS.** Refers to the Board of Supervisors of Des Moines County, Iowa.

**BUILDING SETBACK.** A line measured from the property line (constituting the right-of-way line, wherever applicable), and which designates the buildable area of the property.

**COUNTY.** For purposes of this Ordinance, shall always refer to Des Moines County.

**COUNTY ENGINEER.** The professional engineer registered in the State of Iowa and designated as County Engineer by the Board of Supervisors.

**CUL-DE-SAC.** A roadway that connects to another roadway at one end, and terminates at a circular turnaround for vehicles.

**CUL-DE-SAC BULB.** Refers specifically to the circular turnaround at the end of a cul-de-sac. The bulb may be composed of a continuous road surface encompassing, the entire circle, or it may have a circular landscaped ‘island’ in the middle.

**DRIVEWAY.** A private drive or lane, not within a designated right-of-way, used exclusively for access to a public or private roadway from private properties developed for residential, commercial, or industrial purposes.

**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.

**ENGINEER.** Shall refer to an engineer that is registered in the State of Iowa.

**HAMMERHEAD TURNAROUND.** A surface extending off from and perpendicular to the surface of a subdivision roadway, built in a ‘T’ shape with a curved arc in both directions at the entrance to the roadway, to allow for an emergency vehicle (such as a fire truck or ambulance) to safely and efficiently drive forward, reverse, and then proceed forward in the opposite direction from which it came.

**IMPROVEMENTS.** Physical infrastructure that is necessary to support the occupants of a subdivision, in terms of health, safety, access, and general aesthetics. This includes roadways, sidewalks, utility lines such as water mains, drainage systems, and street signs.

**LAND USE ADMINISTRATOR.** The individual assigned the duty to enforce and administer this Ordinance by the Board of Supervisors. This term shall also apply to any officer(s) authorized by the Board to assist the primary official in the enforcement of this Ordinance and act on that official's behalf.

**LANDLOCKED LOT.** A tract of land that does not have direct access to a public or private roadway right-of-way and requires the use of easements on an adjoining property for driveway and utility access.

**LOT.** A parcel of land represented and identified by number or letter designation on an official plat.

**LOT OF RECORD.** A lot of which is part of a subdivision recorded in the office of the Des Moines County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded. This differs from a 'Tax Parcel', which may refer to portions of a lot of record that have been split for taxing purposes (typically using Section lines from the Public Land Survey).

**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.

**PARENT PARCEL(S).** The lot(s) of record from which a subdivision is created when it is split into multiple parts. In some instances, a subdivision will encompass the entirety of the parent parcel(s), while in others, a portion of the parent parcel's original acreage will remain after the subdivision plat is recorded, with the subdivided area extracted from its legal description.

**PLAT.** A graphical representation upon which a developer's plan for the subdivision of land is presented.

**PRELIMINARY PLAT.** An initial graphical representation of a subdivision, which indicates the proposed layout of subdivision lots and the nature of its proposed improvements. It is submitted for review and approval prior to the submittal of a Final Plat.

**FINAL PLAT.** The graphical representation of a subdivision which is prepared by a registered land surveyor in compliance presented with the provisions of Chapters 354 and 355 of the *Iowa Code* as well as this Ordinance, and is recorded by the Des Moines County Recorder as an official legal documentation of the subdivision.

**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.

**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.

**RIGHT-OF-WAY.** An area of land permanently dedicated for transportation purposes (such as roads, railroads, sidewalks, and navigable waterways), to serve as part of a larger transportation network, and provide access to adjoining properties.

**ROADWAY.** Refers to the primary travel surface of any road or street within a public or private right-of-way dedicated for vehicular transportation.



**SEWER SYSTEM.** Any form of infrastructure designed for the collection, transport, and treatment of raw sewage/wastewater from individual properties.

**CLUSTER SEWER SYSTEM.** Refers to any instance where wastewater generated on an individual property is transported to a separate off-site location for treatment, and the system serves only a specific neighborhood, subdivision, or development, and is typically provided by a private entity.

**MUNICIPAL SEWER SYSTEM.** Refers to any instance where wastewater generated on an individual property is transported to a separate off-site location for treatment, and the system is typically provided by a public entity for an entire city or large geographic area.

**ON-SITE SEWER SYSTEM.** Refers to any instance where wastewater generated on an individual property is treated on-site, typically using a septic tank. In some instances, this may involve infrastructure for the discharge and drainage of treated effluent to an off-site location, but under no circumstances does untreated sewage leave the property on which it was generated.

**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.

**SUBDIVISION.** The division or re-division of existing parcel(s) of land which results in either the creation of one (1) or more additional lots, or the substantial enlargement of the lot(s). This action is typically intended for the sale or transfer of property, and/or enabling future development.

**ZONING COMMISSION.** Shall refer to the Zoning Commission of Des Moines County, Iowa, whose establishment, membership, responsibilities and meeting procedures are outlined in the Des Moines County Zoning Ordinance No. 34.

## ARTICLE III – PLANNING CONFERENCE AND SUBDIVISION CATEGORIES

- A. **Planning Conference.** Any person intending to subdivide land within the terms of these regulations may request a planning conference with the Land Use Administrator to discuss the proposed subdivision. Subsequent review and approval of Preliminary and Final Plats shall in no way be bound by this initial planning conference.
1. Following the Planning Conference, the Administrator may waive the Preliminary Plat requirement if the subdivision qualifies as a Minor or Standard Subdivision, as described in Section B of this Article.
  2. At the Planning Conference, the Land Use Administrator will use the information supplied by the subdivider to determine whether the proposed subdivision would fall under the review jurisdiction of any municipality (as described in Article I, Section B of this Ordinance).
- B. **Subdivision Categories and Review Procedure.** Each subdivision will fit into one of three categories, based on the presence of certain conditions. The Land Use Administrator will determine which of these is applicable in that particular case. However, this shall not exclude the right of any City with boundaries within two miles of the planned subdivision to exercise their respective subdivision review procedures, which may differ from those of this Ordinance.
1. **Minor Subdivisions.** When a proposed subdivision meets either of the following conditions, it may be considered a “Minor Subdivision”:
    - a) Ownership of the proposed lot(s) will be transferred either between close family relations (husbands, wives, sons, daughters, sisters, brothers or grandparents and grandchildren including step relations or adopted children), and/or between adjoining property owners.
    - b) No greater than two (2) lots are being created, and ownership of the proposed lot(s) will be transferred to individuals who are neither related to the property owner, nor an adjoining property owner.
    - c) When a Minor Subdivision is proposed, the requirement for a Preliminary Plat shall be waived, with an abbreviated review procedure for the Final Plat, as described in Article IV, Section C.
  2. **Standard Subdivisions.** When a proposed subdivision does not involve the creation of any new roadways, rights-of-way, utility extensions, or other similar public improvements, but does not meet either of the two conditions listed under Section B1 above, then the requirement for a Preliminary Plat shall be waived, but the full procedure for a Final Plat (as described in Article V) shall be followed.
  3. **Major Subdivisions.** For all proposed subdivisions that do not fit into the categories of ‘Minor’ or ‘Standard’, the full procedure for both a Preliminary and Final Plat (as described in Articles III and IV) shall be followed.

## ARTICLE IV – PRELIMINARY PLAT

- A. **Preliminary Plat Submittal.** For Major Subdivisions (as described in Article III, Section B), the subdivider shall submit a Preliminary Plat along with an application form and fee to the Land Use Administrator according to the procedures specified herein. This fee shall be non-refundable if the subdivider withdraws the application at any stage in the review process, and resubmission of a previously withdrawn plat shall constitute a new application, and shall be submitted in accordance with the specified procedures for an initial application.
1. **Plat Distribution.** Eight (8) copies of the Preliminary Plat shall be supplied to the Land Use Administrator. The Administrator shall provide a copy of the Preliminary Plat to the following departments/entities, for their review:
    - a) Board of Supervisors.
    - b) County Health Department.
    - c) County Auditor.
    - d) County Assessor.
    - e) County E911/GIS Coordinator.
    - f) County Secondary Roads Department.
    - g) County Conservation Department.
    - h) Chairperson of the Zoning Commission.
    - i) Natural Resources Conservation Service.
    - j) The Fire Department serving the property to be subdivided.
    - k) Public or private utilities serving the property to be subdivided.
    - l) Township Clerk and Trustees for the property to be subdivided.
  2. **Scale.** The preferred scale of the plat is one (1) inch equals one-hundred (100) feet. A different scale may be used if it is necessary in order to convey sufficient detail.
  3. **Contents.** In addition to information required by Section 354.6 and 355.8 of *Iowa Code*, the following information shall be provided:
    - 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 location of utility lines shall be shown, and the size, capacity and position above or below ground shall be provided, either on the plat itself or in accompanying written documentation.
    - 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.
- f) Existing and proposed topographic contour lines. Contour shall be shown at intervals of two (2) feet unless otherwise approved by the Land Use Administrator.
- g) Approximate footprints of any existing buildings that are proposed to remain following subdivision, if any portion thereof is situated within thirty (30) feet of any lot line. If this applies, then the applicable setback measurement shall be provided. Enclosed accessory structures of less than one hundred seventy-five (175) square feet in area are exempt from this requirement, along with non-enclosed accessory structures and recreational features such as swimming pools.

4. Accompanying Material. In addition to the review fee, Preliminary Plats shall be accompanied by the following documents:

- a) One large size print of the plat (preferably twenty-four (24) by thirty-six (36) feet or a similar size), to allow for viewing and note-taking in a group setting.
- b) Copies of any protective covenants or restrictions to be imposed upon the owners and occupants of property within the subdivision.
- c) Statements from public and private utility providers concerning the current availability of gas, electricity, sewer and water infrastructure, as well as any improvements that will be necessary for these systems to serve the proposed subdivision.
- d) A statement from the fire and/or emergency service provider serving the location of the subdivision, including any recommendations regarding improvements necessary to ensure access for emergency response.
- e) The Administrator may require the subdivider to obtain input from school district officials, units of government and other appropriate officials, as necessary.

B. Zoning Commission Review. The Land Use Administrator shall submit copies of the Preliminary Plat to the Zoning Commission for their review.

- 1. The Commission shall address the matter through a public hearing at its next regularly scheduled meeting.
- 2. Notice of such a hearing shall be given not less than four (4) nor more than twenty (20) days prior to the hearing, by one publication in a newspaper of general circulation in the County.
- 3. The Commission shall then submit its recommendation to the Board of Supervisors, as to whether the Preliminary Plat should be approved as submitted, denied, or approved with conditions.

- C. **Preliminary Plat Approval.** In accordance with Chapter 354.8 of *Iowa Code*, formal action shall be taken by the Board of Supervisors within 60 days following receipt of a complete application and Preliminary Plat.
1. The Subdivider shall be advised, in writing, that the plat is either:
    - a) Approved as submitted; or
    - b) Conditionally approved with modifications; or
    - c) Not approved with written explanation; or
    - d) Tabled to await further information.
  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.
- D. **Next Steps for Approved Preliminary Plats.** Once a Preliminary Plat is approved for a Major Subdivision, the subdivider may prepare and submit a Final Plat for that subdivision, subject to the following stipulations:
1. The subdivider may submit a Final Plat that covers the entirety of the area included on the approved Preliminary Plat, or it may be split into multiple phases, with one Final Plat submitted for each phase.
  2. The Final Plat shall be prepared in accordance with the specifications and standards of a Final Plat (see Article V), and in conformance with the approved Preliminary Plat, as applicable.
    - a) If any substantial design changes are proposed for a Preliminary Plat (such as the number of lots, location of roadways, or a change from public sewer to private septic systems), this shall require an additional public hearing and recommendation by the Zoning Commission, prior to the submittal of a Final Plat. Plats modified solely to satisfy items of conditional approval by the Board of Supervisors shall not require re-approval.
  3. If a Final Plat is not submitted within two (2) years of the date on which the Preliminary Plat was approved, it shall be considered null and void once the two (2) years have elapsed.
    - a) If any changes are proposed for a Preliminary Plat, this shall require an additional public hearing and recommendation by the Zoning Commission. Otherwise, it shall be presented directly to the Board for re-approval.
    - b) For a Preliminary Plat to be finalized in phases, the first phase shall be submitted within two (2) years, with each subsequent phase submitted no less than two (2) years after the previous phase.

4. If construction or installation of roadways, or water and sewer infrastructure will be completed prior to the submittal of a Final Plat, engineering plans shall be submitted to and approved by the Land Use Administrator prior to construction or installation, with consultation from the County Secondary Roads and Health Departments, whenever applicable. These plans shall be designed by a professional engineer registered in the State of Iowa.
  - a) Roadway plans shall include, at minimum: surfacing and subbase materials, width and depth dimensions, grade and slope measurements, and the angle of any intersections.
  - b) Plans for sewer, water, and storm drainage infrastructure shall include the size and/or capacity of individual pipes and culverts.
  - c) If a Cluster Sewer System is to be installed, documentation of approval by the County Health Department shall be provided.
  - d) An erosion and sediment control plan shall be submitted, in accordance with Section C of Article VII.

## ARTICLE V – FINAL PLAT

- A. **Final Plat Submittal.** For all three categories of Subdivision described in Article III, Section B of this Ordinance, the subdivider shall submit a Final Plat along with an application form and fee to the Land Use Administrator. This fee shall be non-refundable if the subdivider withdraws the application at any stage in the review process, and resubmission of a previously withdrawn plat shall constitute a new application, and shall be submitted in accordance with the specified procedures for an initial application.
1. **Plat Distribution.** Eight (8) copies of the Final Plat shall be submitted to the Land Use Administrator. If the subdivision is located with two (2) miles of a City and the City exercises its authority to conduct a formal review, these eight (8) copies may be submitted directly to the applicable City, but one (1) additional copy shall also be submitted to the Land Use Administrator. The Administrator shall provide a copy of the Final Plat to the following departments/entities, for the review:
    - a) Board of Supervisors.
    - b) County Health Department.
    - c) County Auditor.
    - d) County Assessor.
    - e) County E911/GIS Coordinator.
    - f) Secondary Roads Department.
    - g) Chairperson of the Zoning Commission.
    - h) County Conservation Department.
    - i) Natural Resources Conservation Service.
    - j) The Fire Department serving the property to be subdivided.
    - k) Public or private utilities serving the property to be subdivided.
    - l) Township Clerk and Trustees for the property to be subdivided.
  2. **Scale.** The preferred scale of the plat is one (1) inch equals one-hundred (100) feet. A different scale may be used if it is necessary in order to convey sufficient detail.
  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. The Owner shall be the current deed holder for the propert(ies) being subdivided, while the Subdivider shall either be the same person(s), or another person or entity that will own or develop the lots following subdivision.
    - 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) A prominent statement on the plat that indicating that the minimum front setback for buildings is 30 feet, and the minimum side setback for buildings is 15 feet.
- h) Approximate footprints of any existing buildings that are proposed to remain following subdivision, if any portion thereof is situated within thirty (30) feet of any lot line. If this applies, then the applicable setback measurement shall be provided. Enclosed accessory structures of less than one hundred seventy-five (175) square feet in area are exempt from this requirement, along with non-enclosed accessory structures and recreational features such as swimming pools.
- d) For Standard Subdivisions only, the plat shall show existing and proposed topographic contour lines. Contours shall be at intervals of two feet unless otherwise approved by the Land Use Administrator.
- e) A blank space of no less than five (5) inches in width and two (2) inches in height shall be provided at the top of the plat, reserved for use by the County Recorder.
- f) An index legend at the top of the plat, which contains at minimum, a location description for the subdivision, the name of the Owner and Subdivider, and the name, professional affiliation, address, and contact information for the surveyor who prepared the plat. This index legend shall not encroach into any of the required blank space previously addressed in this section.
- g) In addition to the space previously required for the County Recorder, it is requested that a blank space of no less than three and one-half (3.5) inches by two (2) inches be provided for use by the Board of Supervisors, either adjacent to the space for the Recorder, or elsewhere on the plat. If located within two (2) miles of a municipality, additional blank space may be needed elsewhere on the plat, for use by the applicable City.

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. If proposed new roadways, water and sewer systems, and/or storm drains have not yet been constructed or installed, and engineering plans were not previously submitted as allowed in Article IV, Section D(4) of this Ordinance, those plans shall be submitted for review along with the Final Plat, prior to construction of the improvements.
- b. If applicable, documentation confirming that fencing has been installed in accordance with Article VI, Section J of this Ordinance, or that neighboring property owners have signed a waiver from these requirements.
- c. Storm Water Discharge Permit from the Iowa Department of Natural Resources (DNR), including an Erosion and Sediment Control Plan, whenever applicable.
- d. Federal Conservation Reserve Program (CRP) agreements.
- e. A notarized statement that all planned improvements are complete, or a performance bond or other acceptable financial security (as outlined in Article VII, Section A of this Ordinance).



- B. **Zoning Commission Review – Standard and Major Subdivisions.** The Land Use Administrator shall submit copies of the Final Plat to the Zoning Commission for their review.
1. The Commission shall address the matter at its next regularly scheduled meeting, which shall constitute a public hearing.
  2. Notice of such a hearing shall be given not less than four (4) nor more than twenty (20) days prior to the hearing, by one publication in a newspaper of general circulation in the County.
  3. The Commission shall then submit its recommendation to the Board of Supervisors, as to whether the Final Plat should be approved as submitted, denied, or approved with conditions.
- C. **Final Plat Approval – Minor Subdivisions.** The Final Plat of a Minor Subdivision (as described in Article III, Section B1) may be approved administratively by agreement and written consent and signature of the Land Use Administrator, County Engineer, County Auditor, and County Health Department, for presentation to the Board of Supervisors.
1. CSR provisions, and the approval of the full Zoning Commission membership shall be waived for a Minor Subdivision Plat.
  2. Public hearing requirements shall also be waived for a Minor Subdivision Plat, unless such a hearing is requested by the Board of Supervisors prior to approval.
  3. The fee for such a subdivision shall be reduced from that for a Final Plat for Standard and Major Subdivisions.
  4. 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.
  5. 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, which may differ from those of this Ordinance.
- D. **Final Plat Approval – Standard and Major Subdivisions.** In accordance with Chapter 354.8 of *Iowa Code*, the Board of Supervisors shall act upon the Final Plat within sixty (60) days of its submission. 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.
1. 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. Not approving the Final Plat shall terminate further consideration of such application.
    - a) In accordance with, and as further detailed in Chapter 354.10 of *Iowa Code*, the subdivider has the right to appeal to the district court within twenty (20) days after the date of denial or the receipt of the imposed conditions.

2. Upon approval by the Board, 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*.

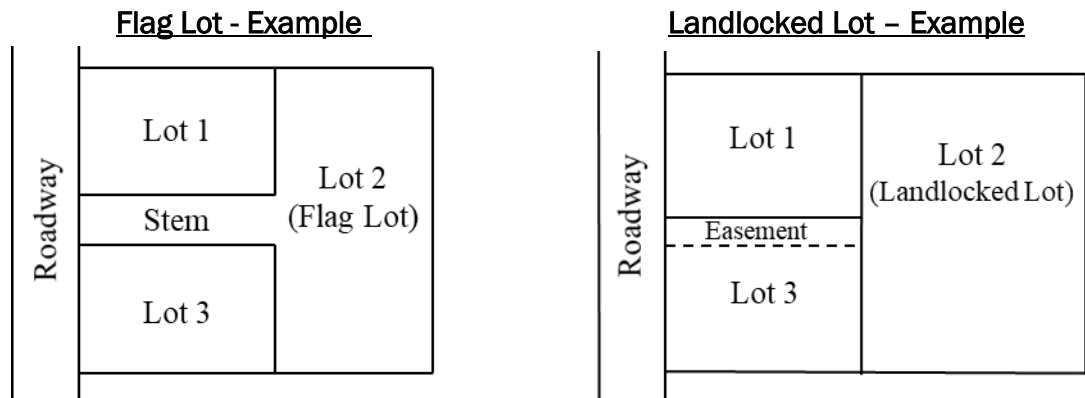
E. **Plat Recording**. Approval of the Final Plat through resolution by the Board of Supervisors shall authorize the Subdivider to present said document to the County Recorder.

1. A resolution of approval by the Board of Supervisors shall accompany the plat when it is recorded.
2. If a Final Plat is not filed with the County Recorder within one-hundred eighty (180) days of approval by the Board of Supervisors, it shall be considered null and void once the one-hundred eighty (180) days have elapsed.
  - c) In such instances, a Minor Subdivision plat shall be re-approved by the Board of Supervisors prior to recording.
  - d) In such instances, if any changes are proposed for a Standard or Major Subdivision plat, then this shall require an additional public hearing and recommendation by the Zoning Commission. Otherwise, it shall be presented directly to the Board of Supervisors for re-approval.

## ARTICLE VI – SUBDIVISION DESIGN STANDARDS

- A. **Purpose and Application of Standards.** The regulations contained in this Article are intended to provide a minimum standard of design in order to protect the public health, safety, comfort, order and general welfare.
- B. **Land Use Considerations.**
1. **Requirements of Other County Ordinances.** Other Des Moines County ordinances, subject to enforcement by the Land Use Administrator, place restrictions on development within the jurisdiction of this Ordinance. Accordingly, these requirements should be considered when a subdivision is being designed, as Zoning and Floodplain Development Permits will not be issued for newly subdivided lots that do not comply with the requirements of the respective ordinance.
    - a) In some instances, Des Moines County Zoning Ordinance No. 34 requires larger minimum lot sizes than those provided in this Article, depending on the Zoning District or type of development proposed.
    - b) Des Moines County Floodplain Management Ordinance No. 25 establishes certain restrictions for new development with Special Flood Hazard Areas (SFHAs). In some instances, all new development is prohibited, while in others, the lowest floor of a structure must be elevated to a certain height.
  2. **On-Site Sewer Systems and Natural Conditions.** Certain natural conditions will result in a specific site being unsuitable for development, when it is intended to be served by an on-site sewer system. In such instances, the County Health Department may require a greater lot size or width than the minimums listed in Sections C(4) and (5) or this Article, subject to enforcement by the Land Use Administrator. Examples of such natural conditions include, but are not limited to:
    - a) Poorly drained soils
    - b) Steep slopes (greater than twenty (20) percent gradient)
    - c) Sinkholes
    - d) Floodplains
    - e) Areas of underground fill using non-earth materials
- C. **Lots.**
1. **Lot Lines.** Side lot lines should typically be straight and either perpendicular or radial to the roadway centerline.
  2. **Lot Frontage.** All subdivision lots shall be platted along a public or private roadway right-of-way, with frontage along the entire width of the lot, except in certain situations as described below.
    - a) For lots along a cul-de-sac, the minimum width of the frontage shall be sixty (60) feet, measured in an arc along the right-of-way line.

- b) 'Flag Lots', composed of a narrow stem that is used to access to the wider interior portion of the lot, may be allowed in a limited number of instances when deemed necessary by the Land Use Administrator. In such instances, the minimum width of the stem shall be thirty-three (33) feet when the adjacent land on all other sides has already been subdivided for residential lots, and 66 feet when the adjacent land on at least one other side has not yet been subdivided for residential lots.

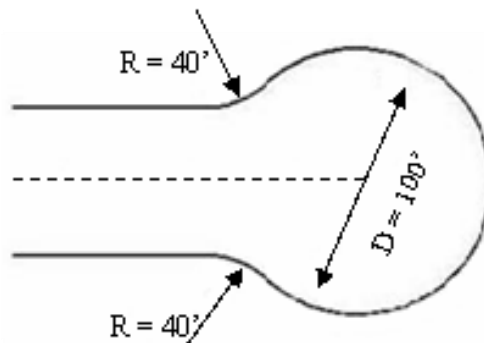


- c) Landlocked lots are generally discouraged but may be allowed under certain circumstances when deemed necessary by the Land Use Administrator, including but not limited to:
- The Subdivision qualifies as a Minor Subdivision.
  - The area to be subdivided already has access from an existing shared driveway that meets the requirements of Section E(5) of this Article.
  - Substantial topographical challenges or other natural limitations exist that make it difficult for a portion of the subdivided property to be accessed by a roadway.
  - The adjoining land has previously been subdivided and developed, and no opportunities exist for a roadway connection for the new subdivision.
- d) When a landlocked lot is deemed necessary, an access easement shall be provided for it on the adjoining property, subject to the requirements of Section H(1) of this Article.
- e) Frontage along more than one roadway shall not be allowed, except for corner lots, lots with rear frontage along a County road, and large commercial/industrial lots.
3. Roadway Right-of-Way. All lots shall be platted to the centerline of the roadway, regardless of whether the roadway is public or private.
4. Lot Area. The following minimums shall exclude any portion of lot that is contained within a roadway right-of-way.
- a) The minimum lot area for a lot served by a municipal or cluster sewer system and connected to a public water system shall be thirty thousand (30,000) square feet (or 0.69 acres).
- b) The minimum lot area for a lot served by an on-site sewer system and/or a private well shall be forty thousand (40,000) square feet (or 0.92 acres).

5. Lot Width.
  - a) The minimum lot area for a lot served by a municipal or cluster sewer system shall be one hundred (100) feet.
  - b) The minimum lot width for a lot served by an on-site sewer system shall be one-hundred twenty (120) feet.
  - c) For flag lots and lots with frontage along a cul-de-sac bulb, the minimum lot widths mentioned above shall apply only to the interior portion of the lot where the home or other buildings will be located.
  
6. Building Setback. Unless the covenants impose stricter criteria, the minimum setback for any structure shall be as follows:
  - a) Minimum front yard setback of 30 feet (measured from the right-of-way line)
  - b) Minimum side yard setback of 15 feet (measured from side lot line)
  - c) For any lot with side or rear frontage along a County road, the minimum setback for the side or rear yard facing the right-of-way line shall be 30 feet.

D. Private Roadways.

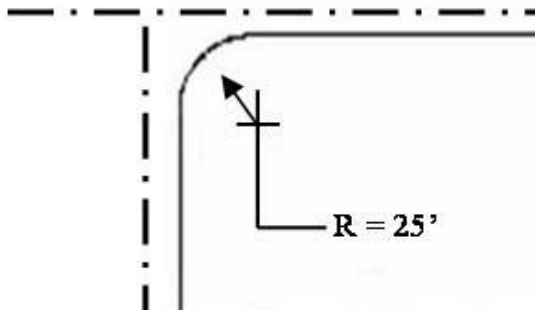
1. Access and Circulation. Vehicular access shall be provided to all subdivision parcels, with particular consideration given to operation of emergency vehicles.
  - a) In instances where the proposed roadway width or cul-de-sac length will not comply with the minimum requirements of this ordinance, those requirements may be waived (as provided for elsewhere in this section). However, when determining whether a waiver is appropriate in a given situation, the Land Use Administrator shall give due consideration to all recommendations by public safety/emergency response personnel.
  
2. Right-of-Way. Roadway right-of-way shall be dedicated for public use. The minimum required right-of-way width is as follows:
  - a) The minimum width for a roadway shall be sixty-six (66) feet.
  - b) The minimum right-of-way width for corner lots shall be the same as any other lot along that type of roadway, and whenever applicable, corner lots shall be shaped so as to ensure that at no point shall the distance between the right-of-way line and roadway surface be less than twenty-two (22) feet.
  - c) The right-of-way for a cul-de-sac bulb shall have a minimum diameter of one-hundred (100) feet, and the entrance to the cul-de-sac bulb shall be rounded with a radius of forty (40) feet on each side of the roadway.



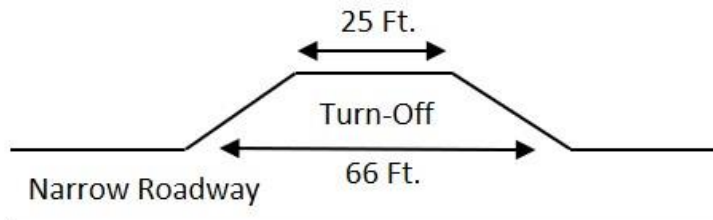
3. Surfacing Materials. At minimum, all roadways shall be surfaced with four (4) inches of Class A (3/4 inch) crushed stone, with a base consisting of two (2) inches of Class A (2 inch) crushed stone. This shall apply to all cul-de-sac bulbs, hammerhead turnarounds, and turn-offs.

4. Surfacing Dimensions.

- a) The roadway surface shall be no less than twenty-two (22) feet in width. Earthen shoulders, at no less than two (2) feet in width, shall be provided on each side of the roadway.
- b) The surface of each cul-de-sac bulb shall have a minimum diameter of sixty (60) feet, and at roadway intersections, the corner shall be rounded with a radius of twenty-five (25) feet.



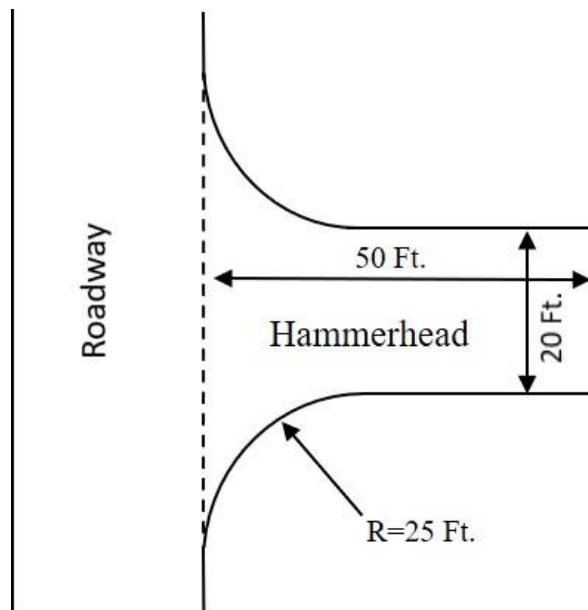
- c) In instances where a subdivision will be directly served by an existing roadway that is less than 22 feet wide, the minimum width requirement may be waived. However, in such circumstances, at least one surfaced turn-off shall be provided to allow for vehicles to pass one another during an emergency. Additional turn-offs may be required, depending on the length of the roadway that directly borders the subdivision.



- d) All turn-offs shall be at least sixty-six (66) feet in total length, with a middle span of at least twenty-five (25) feet in width and ten (10) feet in width, and an angled entry of equal length on either side of the middle span.

5. Cul-De-Sac Length.

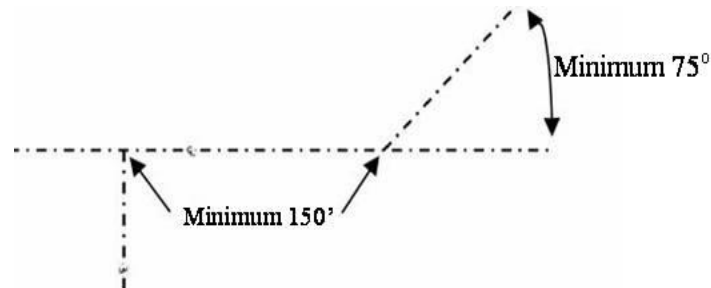
- a) In any instance where the length of roadway centerline between the outer edge of a cul-de-sac and the nearest intersecting roadway exceeds two-thousand five-hundred (2,500) feet, hammerhead turnarounds shall be provided for emergency vehicles, at a rate of one (1) for every two-thousand five-hundred (2,500) feet beyond the nearest intersecting roadway. The location and dimensions of any such turnaround shall be indicated on the subdivision plat, along with a statement or label indicating that this turnaround is for the purpose of serving emergency response vehicles.
- b) Each hammerhead turnaround shall be at least twenty (20) feet wide, fifty (50) feet long (measured from the edge of the roadway surface), and the entrance shall be rounded with a radius of twenty-five (25) feet.



- c) Whenever possible, hammerhead turnarounds should be placed to coincide with driveway entrances, but all such turnarounds shall comply with the minimum surfacing requirements in Sections D(3) of this Article.
  - d) A temporary dead-end road with an interim hammerhead turnaround may be allowed at a subdivision boundary. The roadway right-of-way shall be platted to terminate at the outer boundary of the subdivision, so as to allow for its continuation onto adjoining property when subdivided at a later date.
6. Grade. The grade of proposed roads should accommodate topography in order to provide safe, resilient, all-weather access to properties within a subdivision, and to encourage efficient, reliable stormwater drainage.
- a) For all roads, regardless of surface type or drainage design, the longitudinal slope shall not exceed ten (10) percent).
  - b) For paved roads with curb-and-gutter, the longitudinal slope shall not be less than one-half (0.5) percent. For all other roads, the longitudinal slope may be as low as zero (0) percent.
  - c) For cross slope, the center crown for gravel roads shall be three (3) percent, while the center crown for paved roads shall be two (2) percent.

7. Intersections.

- a) The minimum acute angle of intersecting roads shall be at least seventy-five (75) degrees, with ninety (90) degrees recommended.
- b) Along a given roadway, subsequent intersections shall be offset by no less than one hundred and fifty (150) feet.



8. Entrances from County Road System. 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 with access from a private roadway running parallel to the County Road.

9. Roadway Names. Newly platted roads shall comply with requirements of the Des Moines County E911 roadway naming system. Sign installations are the subdivider's responsibility and shall conform to E911 standards.

10. Construction and Maintenance.

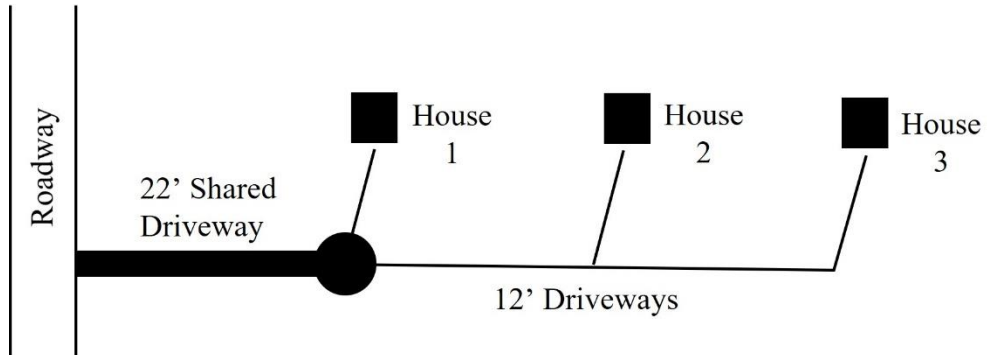
- a) All underground utilities to be located beneath the roadway shall be installed prior to surfacing.
- b) The subdivision residents are responsible for maintenance and operation of private roadways within the subdivision, including entrances onto a County road. This is typically accomplished through a homeowners' association. Refer to Article VI, Section D(3).
- c) Whenever a turn-off or turnaround for emergency vehicles does not correspond to a driveway entrance, and a gravel (non-paved) surface is used, it shall be regularly maintained in order to prevent overgrowth of vegetation.

E. Driveways.

1. All driveways shall be composed of a packed rock or paved surface sufficient to permit reasonable all-weather passage.
2. For single or two-family residential properties, the driveway shall be of at least a width of twelve (12) feet.
3. For multi-family residential, commercial, and industrial properties, there shall either be a single driveway of at least a width of twenty-two (22) feet, or two or more driveways of at least a width of twelve (12) feet.
4. When the roadway providing access to subdivision lots is a paved private road that includes curb-and-gutter, the curbs shall be cut along the full width of the driveway where it is accessed from the roadway.



5. Shared Driveways. Whenever a single driveway will provide the sole means of access to more than two single-family residences, the portion of that driveway that is shared by three or more residential lots shall follow the surfacing requirements of private roadways (see Section D(4) of this Article). As with private roadways, these improvements shall be completed prior to the approval of a Final Plat by the Board of Supervisors.



F. Utilities.

1. Storm Sewers. The subdivider shall provide adequate ditches, culverts, and structures to collect and remove surface water.
  - a) Culverts shall be a minimum of fifteen (15) feet in diameter, and larger as the drainage area warrants.
  - b) Acceptable materials for culvert pipes include corrugated plastic, twelve (12) gauge corrugated galvanized steel, and concrete.
  - c) Storm sewers may be required to extend to adjoining subdivision boundaries for future connection and extension.
  - d) A sedimentation basin may be required in instances where the storm sewer improvements terminate at a natural watercourse.
2. Sanitary Sewer/Wastewater. No subdivision shall be approved by the Board of Supervisors until the County Health Department has approved the form of sewer system to be used for all lots within the subdivision.
  - a) Municipal Sewer System. Whenever access to a municipal sewer system is readily available, all subdivision lots shall be connected to a municipal sewer system. In such instances, the design and installation of the infrastructure to serve the subdivision shall comply with all requirements and standards of the municipality.
  - b) Cluster Sewer System. Where access to a public sewer system is not available, the subdivider may install a cluster system, subject to the review and approval of the County Health Department prior to installation.
  - c) On-Site Sewer System. Where access to a public sewer system is not available, private on-site sewer systems may be installed, in accordance with the requirements of the County Health Department and Chapter 69 of Iowa Code.

- d) The Health Department may require that preliminary studies be conducted at the subdivider's expense, to determine the suitability of any or all lots where an on-site system is proposed. If a system involving sub-surface absorption (sand filters) 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.
- e) If land within a subdivision has been altered or filled with non-earth materials, the County Health Department will not approve an On-Site Sewer System with sub-surface absorption if the alteration or fill activity occurred less than ten (10) years prior to a proposed subdivision, and there is no guarantee that such a site will ever be suitable for a Sewer System at any point beyond ten (10) years.

3. Water.

- a) Municipal System. Wherever access to a municipal water system is readily available, all subdivision lots shall be connected to a municipal water supply. In such instances, the design and installation of the infrastructure to serve the subdivision shall comply with all requirements and standards of the municipality.
- b) Rural System. Where a municipal system is not available, all subdivision lots shall be connected to the rural water system.
- c) Private Wells. The requirement for use of a municipal or rural system may be waived, in the event that the County Health Department permits the use of a private well for one (1) or more individual lots.

4. Natural Gas. Where practical, natural gas mains shall be laid on the opposite side of the roadway from water mains and outside the traveled roadway.

5. Electric and Telecommunications Lines. 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.

G. Easements.

1. Access. In any instance where a subdivision includes a landlocked lot, or will result in a neighboring parcel becoming landlocked, an access easement of not less than thirty-three (33) feet shall be provided for the landlocked property.

- a) As a consideration for the potential future development of adjoining properties, if more than one (1) lot will be served by the same access easement, a minimum width of sixty-six (66) feet may be required.

2. **Utilities.** A fifteen (15)-foot 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.
  - a) 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. **Surface 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.

H. **Landscaping.**

1. The subdivider shall finish grade, seed and fertilize the following:
  - a) Areas in the right-of-way that are not dedicated to the required minimum roadway width and shoulders
  - b) Along ditches and other active drainage ways
  - c) All other areas where soil has been disturbed, which are to remain as open space upon a lot (excluding any areas where row crop farming will be continued).

I. **Fencing.** In any instance where a subdivision results in the creation of one (1) or more residential lots adjacent to land used for agricultural purposes, the subdivider shall assume the responsibility for construction and maintenance of a fence directly along the shared property line between the residential lot(s) and neighboring agricultural property(ies). The following requirements shall apply to all such fencing:

1. **Tight Fence.** At minimum, in order to prevent the incursion of livestock, the fence along the shared property line shall meet the minimum standards of a 'tight fence', as defined in Chapter 359A of *Iowa Code*.
2. **Alternatives.** The requirement for a 'tight fence' listed in Section I(1) of this Article shall be waived if the subdivider and the owner(s) of adjoining agricultural property mutually agree to one of the following alternatives, and the subdivider submits a written document that attests to this fact, and includes the signatures of all parties involved.
  - a) **Lawful Fence.** The subdivider and adjoining agricultural property owner may agree to have the subdivider install a fence that meets the minimum standards of a 'lawful fence', but not those of a 'tight fence', as both defined in Chapter 359A of *Iowa Code*.
  - b) **No Fence.** The subdivider and adjoining agricultural property owner may agree to exempt the subdivider from any responsibility to install a new fence along the property line, either due to the presence of an existing fence that is deemed sufficient for the purpose, or the conclusion that no fence is necessary between the two properties.

3. Enforcement. Whenever installation of a new fence is required, prior to the approval of the Final Plat by the Board of Supervisors, the subdivider shall either supply proof that a fence meeting the minimum standards has been installed, or provide a performance bond as provided in Article VII, Section A of this Ordinance.
4. Exceptions. The above fencing requirements shall not apply to a Minor Subdivision in which an existing farmstead home is split from the surrounding farm ground. It shall only apply to subdivision lots where a home did not exist prior to the subdivision.

J. **Considerations for Parent Parcels.** When designing the layout of lots to be platted as part of a subdivision, several items shall be considered in instances where a portion of parent parcel(s) will not be included on the subdivision plat.

1. Whenever a subdivision results in the creation of a landlocked parcel adjoining it, an access easement for that parcel shall be provided on the Final Plat, in accordance with Section G(1) of this Article.
2. Under no circumstances shall a strip of land less than sixty-six (66) feet wide along the boundary of a parent parcel be excluded from a subdivision, so as to avoid the necessity of complying with the requirements of Section I of this Article, and/or to create a situation where a roadway of sufficient width could not be established for serving a future adjacent subdivision.

## ARTICLE VII – COMPLETION OF IMPROVEMENTS

- A. **Responsibility for Improvements.** The subdivider is responsible for construction of all improvements required by this Ordinance, as outlined in Article V, and shall complete these activities prior to Final Plat approval by the Board of Supervisors.
1. **Performance Bond.** 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 one-hundred ten (110) percent of the construction estimate prepared by the subdivider and agreed upon by the Board of Supervisors.
  2. **Maintenance Bond.** In the event that the Board of Supervisors approves the addition of a private subdivision roadway into the County Road system (as described in Article VI, Section E), prior to the release of any performance bond, the Subdivider shall provide a two (2) year maintenance bond in an amount equal to ten (10) percent of the performance bond. Said maintenance bond shall indemnify the County and/or utilities from costs or losses resulting from defective improvements.
- B. **Specifications for Improvements.** Current specifications from the applicable public utility or County department (i.e. Secondary Roads and Health) 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 Iowa Department of Transportation.
- C. **Erosion and Sediment Control.** The subdivider shall be responsible for ensuring that construction operations will minimize disturbances to established trees and ground cover as much as possible, in order to control erosion and sediment discharge from the site.
1. **Storm Water Discharge Permit.** In accordance with Chapter 64.4 of Iowa Administrative Code 657, a subdivision will result in construction activities that collectively disturb more than one (1) acre of land (including roads and utilities, as well as homes and buildings), a Storm Water Discharge Permit (NPDES General Permit No. 2) must be filed with the Iowa Department of Natural Resources (DNR).
    - a) This permit will involve the preparation of a detailed Erosion and Sediment Control Plan, which stipulates the specific activities that will be undertaken to prevent the loss of exposed soil through stormwater runoff and other forms of erosion. Examples include, but are not limited to: silt fences, sediment basins, diversion channels, and measures for post-construction landscaping, such as seeding, sodding, and placement of riprap.
    - b) The subdivider shall submit documentation of an approved Storm Water Discharge Permit to the Land Use Administrator prior to the commencement of any construction activity.

- D. **Inspection of Completed Improvements.** The County will inspect roadway and utility 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.

## ARTICLE VIII – CLUSTER SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT

- A. **Purpose.** This section is intended to allow for greater flexibility in the design of subdivisions, in instances where a dense clustering of buildings and dwellings is appropriate, based on natural land characteristics and the availability of adequate infrastructure. This may take the form of a Cluster Subdivision or a Planned Unit Development (PUD), depending on the location within unincorporated Des Moines County.
- B. **Planned Unit Development (PUD).** Within the jurisdiction of the Des Moines County Zoning Ordinance No. 34, a Planned Unit Development (PUD) may be established for the purpose of facilitating the orderly development of adjoining properties, in areas where the road and utility infrastructure is sufficient to support mixed use development, or development of a higher density than would ordinarily be allowed. Whenever the development of a PUD involves the subdivision of land, the following provisions shall apply:
1. For a PUD, review of the Preliminary Plat may be consolidated with the review procedure outlined in the County Zoning Ordinance, provided that the minimum requirements of each ordinance are met. As an example, review of the Preliminary Plat may be addressed at the same public hearing as the review of a PUD and rezoning, as required by the Zoning Ordinance.
  2. Once a PUD has been approved by the Board of Supervisors, a Final Plat shall be submitted in accordance with the approved layout of lots within the PUD.
  3. The minimum lot size requirements of this Ordinance may be waived, provided that all lots beneath the minimum size required are entirely consistent with the approved layout of lots within the PUD.
- C. **Cluster Subdivisions.** When located outside the jurisdiction of the County Zoning Ordinance, a Cluster Subdivision may be developed in a similar fashion to a PUD, subject to the following requirements:
1. A Cluster Subdivision shall be considered a Major Subdivision, as defined in Article II of this Ordinance, subject to all applicable requirements for a Preliminary Plat and Final Plat.
  2. The Preliminary Plat for a Cluster Subdivision shall include a detailed layout of all proposed buildings, parking lots, driveways, and common areas/areas of shared open space.
  3. The minimum lot size requirements of this Ordinance may be waived, provided that for any lots under the minimum required by this Ordinance, prior approval has been obtained from the Des Moines County Health Department for the proposed water and wastewater systems to serve those lots within the PUD. Appropriate situations for smaller lots may involve one or more of the following:
    - a) The development will contain multiple residential or commercial units which will all be served by a public sewer system.
    - b) A series of townhomes will utilize a ‘zero lot line’, in which the lot line is situated directly along the wall separating two dwelling units.

- c) The land on which the development is to occur is comprised mainly or entirely of level or gently sloping topography.
- 4. In any instance where the minimum lot size requirement is waived, provisions shall be made for the allocation of open space on adjoining lots, either on outlots that are reserved solely for open space, or on a portion of a larger lot (or lots) which exceeds the minimum lot size required. The amount of open space provided shall be directly proportional to the amount by which the size of each lot falls below the required minimum.
- 5. Whenever there will be common areas or areas of open space to be shared between occupants of the Cluster Subdivision, documentation shall be submitted with the Preliminary Plat which clearly identifies the specific person(s) or entit(ies) that will be responsible for the ongoing maintenance of these common areas. This may take the form of deed restrictions or covenants.