

# Chapter 42: Subdivision Regulations

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## 42.01 Title

This chapter may be known and cited as the "Subdivision Ordinance" of the County.

## 42.02 Definitions

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

1. Auditor's Plat means a plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
2. Board means the Dallas County Board of Supervisors.
3. Building Line means a line on a plat between which line and public right-of-way line no buildings or structures may be erected.
4. Commission means the Dallas County Zoning Commission.
5. Cul-de-sac means a dead end street permanently closed to through traffic, being terminated by a vehicular turn-around.
6. Director of Planning and Development means the administrative officer appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.
7. Easement means a right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.
8. Local Residential Street" means a local service street used primarily for access to abutting property.
9. Lot means a portion of a subdivision or other plot or parcel of land which is, or in the future, may be, offered for sale, conveyance, transfer or improvement.
10. Plat means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
11. Proprietor's Plat means a plat as defined herein submitted by the owner of the land being platted or an agent of the owner or other private entity acting with the consent of the owner.
12. Subdivision means the division of a lot, tract or parcel of land into three (3) or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land subdivided. The division of land for agricultural purposes into parcels of thirty-five (35) acres or more not involving any new road, street, easement or other dedication, is not considered a subdivision as defined in this subsection and shall be exempt from the requirements of this chapter. Such division into parcels of thirty-five (35) acres or more shall not be further divided without meeting all of the requirements of this chapter.
13. Metro Standards means the Des Moines Metropolitan Design Standards Manual.
14. Subdivision, Minor (Minor Subdivision or Minor Plat) means a subdivision of three lots or less, with no private or public roads, or other public improvements, within the subdivision.

### **42.03 Preliminary Approval By Commission**

Whenever the owner or owners of any tract or parcel of land within the unincorporated area of the County wish to make a subdivision of the same, said owners shall cause to be prepared a preliminary plat and such other information as is hereinafter required to the Zoning Commission for its preliminary study and approval. The preliminary plat shall contain such information and data as is outlined in Section 42.07 hereof. The Commission shall study such preliminary plat to see if it conforms with the standards and requirements as outlined in this chapter and shall forward a copy of the plat to the County Engineer for review and recommendations. The Commission shall approve or reject such plat within thirty (30) days after the date of submission thereof to the Commission. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred eight (180) days after date of preliminary approval. Before approving a preliminary plat, the Commission shall hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the township in which the plat is located or by placing in the United States mail appropriate form of notice setting the time and place at which said plat shall be considered by the Commission.

### **42.04 Auditor's Plats**

With regard to Auditor's plats as distinguished from proprietor's plats, the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary approval and approval and public improvements outlined in Sections 42.07, 42.09 and 42.10 providing there is on file with the Commission a copy of the request of the Auditor ordering such plat and a letter from the Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

### **42.05 Final Approval by Commission**

The subdivider shall also submit to the Commission for its approval or rejection ten (10) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 42.08 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Board of Supervisors within one year after date of approval by the Commission.

### **42.06 Approval by the Board of Supervisors**

After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Board of Supervisors by the Commission for final approval and for the acceptance of all roads, streets, alleys, easements, parks or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 42.10 herein shall be installed. If the Commission does not approve and accept the public areas and

easements thereon only by a two-thirds (2/3) vote of the entire membership of the Board, the final plat shall be filed with the County Auditor and Recorder in accordance with the provisions of existing statutes and following procedures as required by said Auditor and Recorder. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after the date of approval, unless application for an extension of time is made in writing during said thirty (30) day period to the Board, and granted.

#### **42.07 Information Required on Preliminary Plats**

Each subdivider of land should confer with the Commission before preparing the preliminary plat in order to become thoroughly familiar with this chapter, the Zoning Ordinance and with other County regulations affecting the area in which the proposed subdivision lies. The owner shall submit five (5) copies of a preliminary plat to the Commission which shall be drawn to a scale of not less than one (1) inch to one hundred (100) feet by a registered engineer or licensed land surveyor and shall show the following:

1. The complete legal description of the property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat shall be 1 in 5,000. Latitude and departure computations on the traverse closure shall be submitted to the County Engineer.
2. Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat.
3. The location of property lines and all such surface features as buildings, railroad, utilities, water courses and similar items affecting the development. Also the location and size of such sub-surface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables and drain tiles.
4. Vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and roads in the proposed subdivision may connect with existing and proposed streets and roads in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.
5. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads.
6. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date, name and address of surveyor and engineer. Title of subdivision is subject to change to eliminate confusion with previously recorded subdivisions.
7. Sites for schools, parks or playgrounds proposed by the subdivider for public or private use.
8. The zoning district or districts in which the land to be subdivided is located according to the Zoning Ordinance.
9. For all major streets or roads except local residential streets the minimum radius of curvature shall be three hundred (300) feet on the centerline; and for local residential streets fifty (50) feet. The maximum grade for any street shall not exceed six percent (6%), except in the case of local residential streets where eight percent (8%) grade shall be permissible if approved by the County Engineer. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to thirty (30) times the algebraic

difference in rate of grade. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the County Engineer.

10. The location and manner of providing water supply and sewage treatment facilities.

11. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are no outstanding liens or encumbrances on the property. The names of all record title holders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa.

Any Plat not containing all information specified above shall not be considered by the Commission.

## **42.08 Information Required on Final Plats**

Following preliminary approval, five (5) copies of the final plat shall be submitted to the Commission for study and review. Ten (10) copies of the final plat as ultimately approved by the Commission shall be necessary for submission to the Board of Supervisors for its approval. The plat shall be made from an accurate survey by a licensed land surveyor and engineer and drawn to a scale of one hundred (100) feet to the inch or larger. The final plat shall show the following:

1. The boundaries of the property, the lines of all proposed streets with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.
2. The lines of adjoining roads and streets with their width and names.
3. All lot lines, lot and block numbers and building lines in accordance with the Zoning Ordinance and easements, with figures showing their dimensions and area.
4. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.
5. Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
6. All surveyors' monuments, together with their descriptions including ties to original government corners.
7. Title and complete legal description of property subdivided, showing its location and extent, points of compass, date, scale of plat, and certification and name of engineer or surveyor staking the lots.
8. Plan and profiles shall be submitted to all streets and alleys, 100 feet horizontal scale and 10 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, etc. to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Cross-sections of all streets in the subdivision shall be submitted to the County Engineer on standard cross-section paper.

9. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
10. The following material shall also be submitted with the final plat:
  - A. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
  - B. A deed to the County, properly executed, for all streets intended as public streets and for any other property intended for public use. The deed shall be held in escrow by the County Engineer until such time as the improvements are satisfactorily completed and accepted by the Board of Supervisors. The deed shall then be filed with the County Recorder as a permanent record.
  - C. The following certificates:
    - i. By the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds
    - ii. From the County Treasurer that the subdivision land is free from taxes.

## **42.09 Design and Development Standards**

No subdivision plat shall be approved by either the Commission or by the Board of Supervisors unless it conforms to the following minimum standards and requirement, except those plats referred to in **Section 65.04** as Auditor's plats.

1. Large Lot Subdivision. Whenever the area is divided into lots of such size that there are indications that the lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit logical arrangement of smaller lots.
2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall made provisions for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivision shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.
3. Street Width
  - A. The width for major thoroughfares shall conform to the widths designated on the Comprehensive Plan, or as adopted by the Board of Supervisors upon recommendation of the County Engineer. When new subdivisions border present established roads, a 45-foot easement from centerline shall be given for road purposes.

- B. The minimum width for local residential streets shall be fifty (50) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission and Board may reduce the above requirements.
  - C. Dead-end streets shall not be over six hundred (600) feet in length and shall have a minimum width of sixty (60) feet, unless, because of unusual conditions the Commission and Board shall approve a street of greater length and/or less width. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum diameter of one hundred (100) feet or other equally suitable provision for vehicular turning space.
  - D. Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers gas, water, telephone and other utilities. Easements of greater width may be required along lines or across lots where necessary for the extensions of main sewers and similar utilities.
4. Blocks. No block shall be longer than one thousand three hundred twenty (1,320) feet.
5. Lots
- A. All side lot lines shall be substantially at right angles or radial to street centerlines unless the Commission shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography
  - B. The minimum dimensions for lots shall be in accordance with the bulk regulations of the Zoning Ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet.
  - C. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.
  - D. All lots at street intersections shall have a radius of not less than twenty-five (25) feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.
  - E. All lot corners shall be marked with an iron pin capped with the surveyor's identification.
6. Street Names. Street names for streets which are extensions of existing streets or roads shall be the same. Street names shall be subject to Commission and Board approval.
7. Building Lines. Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the Zoning Ordinance for the district within which the property is located.
8. Character of Development. The Commission shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.
9. Easements Along Streams. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make

adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. The subdivider shall also provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening but in no case shall such easement be less than thirty (30) feet.

## **42.10 Improvements**

Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the County Attorney and County treasurer, with the Board of Supervisors, which bond will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities and towns, the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the cities and towns governing the areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations. The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:

1. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than a concrete curb and gutter, and an asphaltic concrete surface course laid on a base approved by the County Engineer or six (6) inches of reinforced portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the County Engineer.
2. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.
3. The subdivider shall construct sanitary and storm water sewers according to the standards and specifications of the County Engineer, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible as a temporary measure pending future sewer service, provided the subdivider shall furnish a report from the County Health Officer and the engineer staking the lots, stating that the proposed lots have been tested and found suitable for septic tank installation. Where a private water supply or sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the State Department of Natural Resources.

4. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long, and shall conform with standard specifications of the County Engineer.
5. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area. Such installation shall be made prior to the street pavement construction, shall be in accordance with the standards and specifications of the County Engineer and shall provide as follows:
  - A. A central watertight system providing for the piping of water from said central point in the subdivision to all lots or areas of said subdivision. Lots of five (5) acres or more in a subdivision may be served by a private well or private water system.
  - B. Water mains installed in said central water system shall be extended to all lots or areas of said subdivision in accordance with the provisions of this chapter, building codes and regulations of the State and the County, in such locations and of a design approved by the County Engineer.
  - C. No water mains or lines of the central watertight system or sewer lines, except a stub end from said lines, shall be installed underneath the normal traveled portion of any street. The same to be located in an appropriate place as provided by the County Engineer.
  - D. No street or alley shall be maintained by the County unless and until a workable agreement has been entered into between the Board of Supervisors and the subdividers which will appropriately set forth the responsibility for payment of all costs to the subdivider or persons acquiring land therein for the maintenance of water and sewer utilities installed in accordance with this chapter; and further providing for payment to the County for any damage caused to roads which may occur by reason of maintenance of water and sewer line.
6. Street signs shall be required at all intersections and shall be of the type approved by the County Engineer.
7. The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the County Engineer. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

8. All plans, specifications, installation and construction required by this chapter shall be subject to review, approval and inspection by the County Engineer or an authorized representative.
  - A. The County may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.
  - B. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction and shall notify the County Engineer, not less than 48 hours in advance of readiness for required inspections. The subdivider shall reimburse the County for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the county.
9. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation and construction for a period of 2 years from and after completion. Such warranty shall be by bond or other acceptable collateral; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

#### **42.11 Minimum Standards**

All improvements shall meet the minimum standards set forth in the *Des Moines Metropolitan Design Standards Policy Manual*.

#### **42.12 Variations and Exceptions**

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Commission may modify or vary such requirements to the end that the subdivider is allowed to develop property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this chapter and granted with the view toward protecting the public interest and welfare.

#### **42.13 Fees**

Before a preliminary plat shall be considered by the commission, the subdivider or agent shall deposit with the County Treasurer a fee of one hundred dollars (\$100.00). A receipt of such filing fee shall be filed with the preliminary plat. Before a final plat shall be considered by the Commission, the subdivider or agent shall deposit with the County Treasurer a fee of fifty dollars (\$50.00), plus twenty dollars (20.00) for each lot included in the final plat. Before final approval by the Commission, subdivider or agent shall deposit with the County treasurer a sum equivalent to all costs of publication and notification with respect to the plat in excess of twenty-five dollars (\$25.00). A receipt of such filing fees in and for such publication and notification costs in excess of twenty-five dollars (\$25.00) shall be filed with each final plat.

### **42.14 Enforcement**

1. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
2. The Zoning Administrator shall not issue zoning certificates or permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of the ordinance codified by this chapter but which has not been approved in accordance with the provisions contained herein.
3. The Board of Supervisors shall not permit any public improvements over which it has any control to be made from the County Road Fund or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of the ordinance codified herein unless such subdivision or street has been approved in accordance with the provisions contained herein. Streets not accepted by the Board of Supervisors and added to the Secondary Road System shall be considered private roads.

### **42.15 Changes and Amendments**

Any regulation or provision of this chapter may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation in the County not less than four (4) nor more than twenty (20) days prior to such hearing.

### **42.16 Infractions**

The provisions of Chapter 2 of this Code of Ordinances shall be applicable for violations of this chapter.