

ORDINANCE NUMBER 124

SUBDIVISIONS AND RE-SUBDIVISIONS

AN ORDINANCE PRESCRIBING MINIMUM REQUIREMENTS FOR THE DESIGN AND DEVELOPMENT OF NEW SUBDIVISIONS AND RE-SUBDIVISIONS, PROVIDING FOR THE PRELIMINARY AND FINAL APPROVAL OF ALL SUBDIVISION PLATS, PROVIDING FOR THE ENFORCEMENT OF THESE REGULATIONS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; ALL FOR THE PURPOSE OF PROMOTING THE ADEQUACY AND EFFICIENCY OF THE STREET AND ROAD SYSTEM SO AS TO AVOID CONGESTION AND PROMOTE SAFETY; FOR THE PURPOSE OF SECURING THE PROPER DISTRIBUTION OF POPULATION AND THE NECESSARY OPEN SPACES FOR LIGHT AND AIR, AND FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS.

WHEREAS, the Town Council of the Town of Buffalo, Scott County, Iowa, is empowered under the provisions of Chapter 409 of the Code of Iowa, 1958, and acts amendatory thereto to provide for the planning and future development of the Town; and

WHEREAS, it is deemed essential to establish minimum standards for the design and development of all new subdivisions so that the existing development will be protected and so that such new subdivisions will conform as nearly as practicable to the existing design and development of the Town and to facilitate the adequate provision of water, sewerage, schools, parks and other public requirements, and improve the health, safety and general welfare; NOW, THEREFORE,

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BUFFALO, SCOTT COUNTY, IOWA:

Section 1--Definitions. For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

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- (a) Town: Town of Buffalo, Scott County, Iowa.
- (b) Town Council: Duly elected members to the Town Council of the Town of Buffalo, Scott County, Iowa.
- (c) Subdivision Ordinance: This Ordinance may be referred to and known as "The Subdivision Ordinance," or "This Ordinance."
- (d) Building Line: A line on a plat between which line and a street, alley, or private place no building or structures may be erected.
- (e) Metes and Bounds: The method used to describe a tract of urban land intended to be used for dwelling or other purposes, so that it can be recorded in the County Recorder's Office, as contrasted with a description of a part of a property approved and recorded as a subdivision plat by the lot and block number.
- (f) Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.
- (g) Subdivision: For the purpose of this Ordinance, a subdivision of land is either
- (1) the division of land into three or more lots, sites or parcels;
 - (2) establishment or dedication of a road, highway, street or alley through a tract of land regardless of division or area, or
 - (3) Re-subdivisions of land heretofore divided or platted into lots, sites, or parcels, provided, however, that the sale or exchange of small parcels of land to or between adjoining property

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owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land. Any re-subdivision of recorded lots or tracts, which now front and are proposed to front upon an existing street and where a total of not more than four new lots or sites are proposed to be created, shall be submitted to the Town Council for checking the proposed re-subdivision with the design standards of this Ordinance and with the requirements of other Town regulations, and if the proposed re-subdivision conforms to such regulations and requirements, the Town Council may waive the other requirements of this Ordinance and the lots may be transferred by metes and bounds or by other legal descriptions.

Section 2--Preliminary Approval by Town Council.

(1) Whenever the owner of any tract or parcel of land within the corporate limits of the Town, wishes to make a subdivision of the same, he shall cause to be prepared a preliminary plat of said proposed subdivision and shall submit three copies of said preliminary plat together with such other information as may be pertinent thereto to the Town Council for its preliminary study and approval. The preliminary plat shall contain such information and be in such form as is outlined in Section 3 of this Ordinance.

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(2) The Town Council shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined by this Ordinance, and shall approve or reject such plat within thirty days after the date of submission thereof. If the Town Council does not act upon the same within thirty days, the preliminary plat shall be deemed to be approved; however, the subdivider may agree to an extension of time for an additional time not to exceed sixty days. The approval of the preliminary plat by the Town Council shall constitute authorization to proceed with the preparation of the final plat and with the installation of the necessary improvements therein as set forth in Section 4 of this Ordinance.

(3) Where a tract of land is proposed for subdivision and the Town Council finds that the same would constitute a part of a larger logical subdivision in relation to the existing development of the Town, the Town Council may cause to be prepared a proposed possible plat of the entire area to be used by the Town Council as an aid to Town planning, and specifically in judging the proposed plat filed by such owner.

(4) The subdivider shall also submit to the Town Council for its approval or rejection in the same manner as the preliminary plat, a final plat of the proposed subdivision, which shall contain the data and information outlined in Section 3 of this Ordinance. If the Town Council approves the plat, such approval and the date thereof shall be noted on the plat over the

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signature of the Mayor or the Mayor Protempore. Such acceptance by the Town Council as herein specified shall constitute an acceptance of all streets, alleys, ways, easements, parks, or other areas preserved for or dedicated to the public.

Section 3. Information Required on Preliminary and Final Plats

Each subdivider of land should confer with the Town Council before preparing the preliminary plat in order to acquaint himself with such proposed Town planning as may exist or with any municipal regulations governing the territory in which the proposed subdivision is located.

A. Preliminary Plat.

The preliminary plat shall be drawn to scale and shall show:

(a) The location of present property and section lines and lines of corporate limits and other legally established districts, streets, buildings, water courses, tree masses, and other existing features within the area to be subdivided and on land immediately adjacent thereto.

(b) The proposed location and width of streets, alleys, lots, buildings, set-back lines and easements, if any.

(c) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.

(d) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

(e) The names and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land.

(f) Contours with intervals of five feet or less.

(g) Grades and profiles of streets and plans witten and signed statements explaining how the subdivider proposes to provide and install improvements meeting the requirements of Section 4 of this Ordinance.

The preliminary plat shall be filed with the Clerk of the Town in triplicate. If approved, two copies shall be retained by the Town Clerk and one signed copy returned to the subdivider. Receipt of this signed copy shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in this Ordinance and with the preparation of the final plat.

B. Final Plat.

If the final plat conforms to the approved preliminary plat, and if the necessary improvements are constructed in accordance with the approved plans therefor, or a satisfactory surety bond is submitted by the subdivider guaranteeing construction in accordance with the approved plans, the final plat will be approved.

The final plat shall be submitted to the Town Council on tracing cloth with two copies thereof together with copies of any deed restrictions where such are too lengthy to be shown on the plat, together with three prints of plans showing the improvements

to have been constructed within the subdivision and certified that the same have been constructed in accordance therewith, (or a bond with sureties to be approved by the Town Clerk, guaranteeing construction of said improvements in accordance with the plans previously approved).

The final plat shall show:

(a) The boundary lines of the area being subdivided with accurate distances and bearings.

(b) The lines of all proposed streets and alleys with their width and names.

(c) The accurate outline of any property which is offered for dedication to public use.

(d) The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.

(e) All lot lines and an identification system for all lots and blocks.

(f) Building lines and easements for any rights-of-way provided for public use, service or utilities, with figures showing their dimensions.

(g) All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, and of any other areas for public and private use; the linear dimensions to be expressed in feet and decimals of a foot.

(h) Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

(i) All survey monuments and bench marks, together with their descriptions.

(j) Name of subdivision and description of property subdivided, showing its locations and extent, points of compass, scale of plan, and name of owner or owners or the subdivider.

(k) Certification by a registered land surveyor, licensed under the laws of the State of Iowa, that such plat has been prepared by him and that all necessary survey monuments are correctly shown thereon.

(l) Private covenants or restrictions and limitations upon title, if any, shall be shown by separate instrument attached to said plat and referred to on said plat as a part thereof, unless the same be of such brevity as would permit it to be shown on the plat. Plats shall contain proper acknowledgment of the owners thereof and shall bear the consent of any mortgagee to said plat and restrictions.

(m) In addition to the foregoing, all requirements for platting as set forth in Chapter 409, Code of Iowa, 1958, and acts amendatory thereto, shall be complied with before said plat is recorded in the Office of the County Recorder.

Section 4. Minimum Standards of Design and Development.

No subdivision plat shall be approved by the Town Council unless it conforms to the following minimum standards:

A. Acre Subdivision.

Whenever the area is divided into lots containing one to three acres, inclusive and there are indications that such lots will eventually be re-subdivided 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 of a logical arrangement of smaller lots.

B. Relation to Adjoining Street System.

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, (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 subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangements 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.

Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

C. Street and Alley Width.

(1) The minimum width for streets shall be fifty feet, except that the Town Council may in certain cases, to conform with already existing streets in the Town, or because of topography or special conditions, require a greater or lesser width.

(2) Dead end streets shall be avoided when possible, but if deemed necessary in the opinion of the Town Council, they shall terminate in a circular right-of-way with a minimum diameter to

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be determined by the Town Council, which will provide safe and convenient space therefor.

(3) The minimum width of all alleys shall be twenty feet, and alleys shall be required in the rear of all commercial and industrial districts.

(4) Where alleys are not provided, easements of not less than five feet in width shall be provided on all rear lot lines and side lot lines where deemed necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots when deemed necessary by the Town Council for the extension of main sewers or other utilities.

D. Blocks.

The length and width of blocks shall conform as nearly as practicable to those in the existing development of the Town. However, the Town Council may permit a deviation therefrom when such deviation, in their opinion, is necessary because of the size, location, or topography of said tract, and the proposed deviation conforms to and is in harmony with a possible larger subdivision unit of which said proposed subdivision is a part.

E. Lots.

(1) All side lot lines of lots shall be as nearly as possible at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.

(2) The minimum dimensions for lots located within the future

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urban area, except in areas zoned for commercial and industrial uses, shall be fifty feet in width and one hundred feet in depth, but in no case shall a rectangular or irregular shaped lot that is to be used for residential purposes, contain less area than is required by the lot area regulation of the zoning district in which the property is located.

(3) Corner lots shall have extra width sufficient to permit the maintenance of building lines on both front and side streets.

(4) Lots at street intersections which are likely to be dangerous shall have a radius of not less than fifteen feet at the street corner.

F. Building Lines.

Building lines shall be shown on all lots whenever the depth of such building lines are greater than those required by other Town regulations. When the subdivided area is not under zoning control, the Town Council may require building lines in accordance with the needs of each subdivision. Provision shall be made by deed requiring all enclosed parts of buildings to be set back to such building lines.

G. Character of Development.

The Town Council 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 into the 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 character of development in the property which is subdivided.

H. Easements Along Streams.

Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall at his own expense make adequate provision for straightening or widening the channel so that it will properly carry the surface water and shall also provide and dedicate to the Town, an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for recreational use. The width of such easement shall not be less than twenty feet and the total width of the easement shall be adequate to provide for any necessary channel relocations and straightening.

I. Improvements.

Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in this sub-section. In lieu of final completion of the minimum improvements, before the plat is finally approved, the subdivider may follow either of the following alternate methods:

- (a) Post a surety bond with the Town insuring the Town that the improvements shall be completed by the subdivider within two years after final approval of the plat. The form and type of bond shall be approved by the Town Attorney, and the amount of the bond shall be not less than the estimated cost of the improvements, and

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the amount of the estimate must be approved by the Engineer for the Town. If the improvements are not completed within the specified time, the Town Council may use the bond or any necessary portion thereof to complete same.

(b) The subdivider may petition the Town Council to provide the necessary improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments. Provided, however, that the subdivider shall be responsible for any differences between the cost of the improvements and the amount that can be legally assessed by the Town against the subdivided property and shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement.

The minimum improvements installed in any subdivision before the plat can be finally approved shall be in accordance with the following sub-sections:

1. Street Improvements.

All streets shall be filled or excavated to the grade approved by the Town Council, and the roadway improved by surfacing. The minimum standards for surfacing shall be not less than the following requirements:

(a) Whenever the subdivision is located within that portion of the Town that lies within the areas described in other Town regulations as urban areas, or may lie within the probable future urban areas, the minimum width of surfacing shall be twenty-seven feet. Such surfacing shall be of a type conforming to the

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traffic requirements of each street, but in no event shall it be less than an all weather road capable of bearing vehicles at all seasons, and shall consist of not less than six inches of compacted crushed stone or gravel, of approved specifications and sealed with an approved top coat. Curbs may be required along each side of the surfacing wherever necessary to prevent serious erosion because of the grade of the street. The subdivider shall be required to install only one-half the width of surfacing herein required when a street along the outer edge of his subdivision borders adjacent property that cannot bear its share of the cost of surfacing. All surfacing shall conform to the appropriate specifications of, and the construction shall be supervised by the Town Council.

(b) Whenever the subdivision is located beyond the probable future urban areas as described in other Town regulations, the minimum width of surfacing shall be twenty-two feet, but on each side of this surfacing there shall be an earth shoulder having a minimum width of eight feet. The surfacing shall be an all weather surfacing capable of bearing vehicles at all seasons and shall consist of at least six inches of compacted crushed stone or gravel, of approved specifications, and sealed with an approved top coat. The surfacing shall be in accordance with appropriate specifications of, and the construction shall be supervised by the Town Council.

2. Water Lines.

Where an approved public water supply is reasonable accessible

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or procurable, water mains and fire hydrants shall be installed when ordered by the Town Council, so as to make the water supply available to every lot in the subdivision.

3. Sewers.

(a) Where a public sanitary sewer is reasonably accessible, the subdividers shall connect or provide for the connection with such sanitary sewer, but in any event shall make provision in such subdivision for the establishment of a sanitary sewer system accessible to each lot in the subdivision, and such sewer system shall be approved by the Town Council.

(b) Adequate provisions shall be made for the disposal of storm water, subject to the approval of the Town Council.

4. Other Utilities.

(a) Whenever it is deemed necessary by the Town Council, they may require the installation of electric lines, street lights, gas mains, street trees, and other similar facilities before said plat is approved.

Section 5. Variations and Exceptions.

Whenever the tract 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 these regulations would result in real difficulties and substantial hardships or injustice, the Town Council may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the Town and surrounding area

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are protected and the general intent and spirit of these regulations are preserved.

Section 6. Enforcement.

(a) No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.

(b) No building or repair permit shall issue for any structure located on a lot in any subdivision within the Town limits, the plat of which has been filed after the effective date of this Ordinance but which has not been approved in accordance with the provisions herein contained, or the plat of which was filed before the effective date of this Ordinance, but did not conform to the requirements set forth in Chapter 409, Code of Iowa, 1958, and acts amendatory thereto.

(c) The Town Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein.

Section 7. Changes and Amendments.

Any regulation or provision of this Ordinance may be changed and amended from time to time by the Town Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general

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circulation at least fifteen days prior to such hearing, or as otherwise required by law.

Section 8. Validity.

If any sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9. Conflicting Ordinances Repealed.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, except any Ordinance that imposes more restrictive regulations than are imposed herein.

Passed and Approved this 21st day of August, 1961.

S/ Jens H. Madsen
Jens H. Madsen, Mayor

Attest:

S/ Lelia M. Pagel
Lelia M. Pagel, Town Clerk