

ORDINANCE NO. 14-05

AN ORDINANCE AMENDING CHAPTER 175, SUBDIVISION REGULATIONS OF THE MARION CODE OF ORDINANCES, MORE SPECIFICALLY TO ADD IN A SECTION ON MAJOR STREETS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. The Code of Ordinances is amended by deleting Section 175.06 and inserting in lieu thereof the following:

175.06 STANDARDS FOR DESIGN OF SUBDIVISIONS.

1. Standards Prescribed. The standards set forth in this chapter shall be considered the minimum standards necessary to protect the public health, safety, and general welfare. General standards for layout of the subdivision are set out in this section. Specific standards for design and construction of public improvements are set out in the Design Standards Manual as most currently approved by the Council and are incorporated herein by reference.
2. Land Suitability. The Council shall not approve the subdivision of land which they find during the subdivision review and approval process to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare. The Council may require engineering analysis of conditions to determine whether land proposed for subdivision is suitable for development. The cost of said engineering studies shall be borne by the developer. If a subdivision is proposed for land which contains land unsuitable for development, the subdivider may proceed if it is determined during the review and approval process that the proposed subdivision provides adequate developable land within each lot and that all services can be provided to each lot and that the public interest is served. If the Council finds that the land within a proposed subdivision is unsuitable for development, the reasons for the determination shall be stated in writing and the subdivider shall be afforded an opportunity to present data regarding such unsuitability. Thereafter, the Council may reaffirm, modify or withdraw its determination regarding such unsuitability. The City Engineer may require at the subdivider's cost any tests and information necessary to determine the suitability of the land for development including recommendations for corrective measures for any unsuitable conditions identified.
3. Land Subject to Flooding. The subdivision of any land subject to significant flood hazard shall conform to the provisions of Section 176.39 of this Code of Ordinances.
4. Conformity with the Plans and Ordinances of the City. The arrangement, character, extent, width, and location of all streets and other public improvements, and the general nature and extent of all lots and uses proposed shall conform with the Comprehensive

Development Plan, any other plan officially adopted by the City and with this Code of Ordinances.

5. Street Standards. The following standards shall apply to all public streets to be located within a subdivision:

A. Where the subdivision encompasses the alignment for a major street as identified in either the Linn County Regional Planning Commission Major Street Plan, the Marion Comprehensive Development Plan, or the Marion Major Street Ordinance, the plat shall provide for such major street on an alignment and with a right-of-way width in conformance with said adopted plans.

B. Minor Streets. Minor streets (local service) should be planned so as to discourage through traffic and to conveniently channel traffic to the collector and arterial streets.

C. Street Connectivity. A connected street network is required within neighborhoods. Street classes below collectors shall not directly connect two or more arterial streets, or an arterial and collector street to avoid cut-through traffic.

D. Street Continuity. Streets shall provide for the continuation of street alignments and grades from adjoining platted areas, and for the extension of streets into adjacent unplatted areas. Street alignments and grades shall take into consideration access needed to develop adjoining properties.

E. Dead-end Streets. Dead-end streets are prohibited. However, if a street is planned to continue beyond the subdivision, a temporary dead end may be allowed. A temporary turn-around meeting the Design Standards Manual shall be provided and maintained until such time as the street is extended.

F. Cul-de-sacs. Streets which connect to other streets are preferred for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted where topography, low traffic volumes, or other conditions justify their use. Cul-de-sac streets should not exceed six hundred (600) feet in length and must terminate in a circular right-of-way of not less than one hundred twenty (120) feet in diameter.

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H. Street Right of Way. Street right of way shall be required within all subdivision plats consistent the Street Classification identified in the Marion Transportation Plan. Standard right of way requirements corresponding to Street Classification are set out below:

CLASSIFICATION	STANDARD RIGHT OF WAY
Expressway	IDOT Design Criteria
Major Arterial	100 feet
Minor Arterial	80 feet
Collector	80 feet
Local Street	60 feet

(1) Standard Street Right of Way widths have been established within much of the built environment. Street right of way width of existing streets have been established and are included in the Major Streets Right of Way Guide. The Major Streets Right of Way guide is adopted by Resolution and maintained by the Engineering Department.

(2) The minimum width for street rights-of-way shall conform to this section provided that the applicable conditions are met.

A. Rights-of-way for residential streets shall be determined by the need for such rights-of-way to protect the City and to enable future revisions to the street system, which can reasonably be foreseen.

B. Rights-of-way requirements for all collector and arterial streets shall consider the need for future widening and may be greater if required by the City Engineer.

C. Additional Rights-of-way for pedestrian access or landscaping adjacent to paved streets shall be granted where sidewalks or other aesthetic enhancements are deemed necessary in addition to the street.

D. If future widening is indicated, the rights-of-way width shall be minimum, consistent with accommodating the increased pavement.

E. Slopes adjacent to roadways, natural or manmade, may be placed within easements on individual properties rather than acquired as rights-of-way.

F. The minimum width provided in this section may be reduced by Council action if such reduction in width is offset by the reduction of on-street parking.

I. Partial Width Streets. Partial width streets shall not be allowed except as part of development of a major street with a planned alignment straddling a property line. In such cases, the portion of the street to be developed must be wide enough to accommodate two-way vehicular traffic. In most cases, it shall be the responsibility of the subdivider to coordinate development of any street along the

boundary of his or her property with the development of adjacent property in order to accomplish development of a full width street. Where an existing platted partial width street abuts a subdivision, a complementary partial width street to complete the street shall be required.

J. Intersection Angles. Streets shall intersect as nearly as possible to right angles. No streets shall intersect at an angle of less than sixty (60) degrees.

K. Offset Intersections. Street intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited except where topography or other physical limitations make such jogs unavoidable.

L. Street Grades. Street grades shall conform with the overall drainage pattern of the locality of the subdivision and shall be in compliance with the Design Standards Manual. Street grades and alignments shall be set to achieve safe vertical and horizontal sight distances as specified in the Design Standards Manual.

M. Street Naming. New street names shall not be the same or sound similar to existing street names. Streets which are or will become extensions of existing streets shall be given the same names as the existing streets. In general, new street name suffixes should suggest the type and orientation of the street. For example, "circle" and "court" should identify cul-de-sacs, and "lane," "way," "road" and "drive" should be applied to curving or diagonal streets. "Avenue" should never be applied to a street with a north-south general direction, and "street" should not be used for an east-west oriented street. Streets with a numerical name lying south of First Avenue must include a "South" prefix in the name, and Avenues with a numerical name lying west of First Street must include a "West" prefix in the name.

N. Provision for Additional Streets. When a tract of land is subdivided into large lots, such lots shall be so arranged as to permit the logical location and development of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements or dedications for the future openings and extensions of such streets or utilities may, at the discretion of the Council, be required for approval of the subdivision.

O. Private Streets and Access Easements.

(1) All platted streets within the City are for public use, the dedication to be by deed or other appropriate conveyance. Where, unusual conditions make a private street desirable, provided adequate covenants and agreements ensure that the City will not have or need to assume any maintenance or other responsibility for such street. The City may consider approval of private streets and access easements under the following circumstances:

- a. When the street is a cul-de-sac or loop street;
- b. When the street will serve a very limited group of people and is designed and situated so as to discourage use by the general public;

c. When the street is proposed in a location for which adequate right-of-way does not exist to meet public street standards because of natural topographical conditions; or

d. When the street will serve as access and/or required frontage for only one single family dwelling unit.

(2) Design Specification. Private streets and access easements shall meet all requirements of this section and the Design Standards Manual of public improvements with the exception that private streets and access easements which serve as public access to or provide required frontage for only one single-family residence need not be terminated with a circular turnaround. All private streets and access easement streets shall be installed and constructed in accordance with plans, profiles, and cross sections submitted to and approved by the City Engineer.

(3) Maintenance and Liability. The owners and/or assigns of private streets and access easements shall be responsible for maintenance of said streets, and the City shall have no liability for injuries or damages sustained on the premises.

6. Block and Lot Standards. The following standards shall apply to the design of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions, and shall be observed except in special conditions where variations are warranted:

A. The width of a block shall normally be sufficient to allow for two tiers of lots with utility easements as needed. Blocks intended for business or industrial use shall be of such width as may be best suited for the contemplated use of the property.

B. No residential block shall be longer than thirteen hundred (1300) feet measured from street line to street line.

C. Lot arrangement and design shall provide satisfactory building sites properly related to topography and surrounding land uses.

D. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zoning district in which the lot is located, and shall be adequate to meet the setback, parking, loading, and other requirements for such uses contained in the Zoning Ordinance.

E. In no case shall a lot have a width of less than sixty (60) feet measured at the front yard setback line and less than thirty-five (35) feet measured at the front lot line.

F. Corner lots shall have sufficient extra width to permit the required corner side yard setbacks as specified in the Zoning Ordinance.

G. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide separation of development access from high traffic arterial streets or to overcome specific topographic and/or orientation problems.

H. Dwelling units shall not be given direct driveway access to arterial or collector streets except:

- (1) Where existing lots of record abut on arterial or collector streets.
- (2) In special instances where the configuration of the tract prevents the construction of an access road or an interior roadway, after review and approval by the City Council.

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J. All buildable lots shall have frontage on a public or private street or be served by an approved access easement.

K. All side lot lines should be as near as possible to right angles to straight street lines or radial to curved street lines, unless a variation will provide a better street or lot layout.

L. Any lot not to be served by a sanitary sewage system shall have sufficient area as determined by the Linn County Health Department to allow for satisfactory operation of an alternative septic system.

7. Easement Standards. The following standards shall apply to the provision of easements in all subdivisions:

A. Easements shall conform to the provisions of the Design Standards Manual.

B. An easement for public utilities and facilities shall be provided, where necessary, as prescribed for location and width by the benefiting utility operator to form a continuous easement through the service area.

C. In general, a minimum easement width along a side or rear lot line shall be eight (8) feet resulting in a combined easement sixteen (16) feet in width. Easements of greater width or across lots may be required and easements of lesser width may be approved if accepted by the utility operator(s) and the City.

D. Written approval of the easements by each utility operator shall be submitted to the City prior to approval of the final plat.

E. Sanitary sewer easements shall be required in those cases where the sanitary sewer must be located outside public rights-of-way or general utility and/or drainage easements.

F. Drainage easements for storm sewers and/or open channels shall be required where storm drainage can not be practically carried by street or other rights-of-way as determined by the Storm Water Design Manual. The location of drainage easements shall be based upon evidence of natural drainage patterns and/or grading and drainage plans submitted with the subdivision documentation in accordance with the Design Standards Manual and the Storm Water Management Design Manual. The width of drainage easements shall be determined based upon a combination of the design width of any open channel drainageway as determined by the Storm Water Design Manual and the Design Standards Manual and of the need to use large motorized equipment to maintain the storm sewer or open channel.

G. The easement rights provided pursuant to this section shall be granted by the developer to the City for the benefit of the appropriate utility operator.

H. No structures shall be placed or erected on or over any easement without a specific release from the benefiting utility operator and approved by the City.

I. Utility and drainage easements, as recorded on a subdivision plat, shall not thereafter be changed or vacated without the approval of the Council by resolution based upon releases from the benefiting utility operators and recommendations from the City Engineer.

8. New residential subdivisions submitted for final plat approval after July 1, 2007, that provide for on street parking of vehicles shall limit the parking of vehicles to only one side of each street. The City Engineer shall review the sides designated for vehicle parking and may direct revision if the engineer determines that the other side of any street is the side that should be designated for parking.

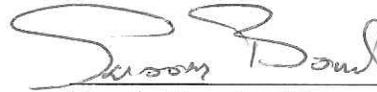
(Ord. 07-14 – Aug. 07 Supp.)

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. That the changes as provided in this Ordinance shall be made a part of the replacement pages of the Code of Ordinances of the City of Marion, Iowa, and made a part of said Code as provided by law.

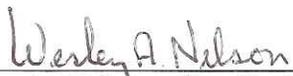
Section 4. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 22nd day of May, 2014.



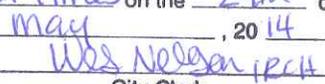
Snooks Bouska, Mayor

ATTEST:


Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance + Summary shown immediately above was published in the marion times on the 29th day of May, 20 14.


City Clerk