



Legal Department

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November 4, 2009

Mayor Ann Campbell and
Members of the Ames City Council

Re: Code Editing amendment to Ames Municipal Code Chapter 23 – Subdivisions, Section 23.201 regarding subdivision definitions

Dear Mayor and Members of the City Council:

As you may recall, several ordinances were recently enacted amending parts of the subdivision chapter of the Code. Those new ordinances added several new definitions to that code. The existing definitional subsection of that chapter is arranged alphabetically and is also serially numbered. Given that existing arrangement of definitions, the newly enacted ones could not fit into the existing text without revising the entire provision. Now that all the definitions have been added, it would be appropriate to put them into the proper alphabetical and numerical sequence.

The attached ordinance is proposed for that purpose. It makes no substantive changes but rather will provide a new definitional section that is in the correct order both alphabetically and numerically. Your favorable consideration of this ordinance is requested.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Judy K. Parks', is positioned above the typed name.

Judy K. Parks
Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 23.201 AND ENACTING A NEW SECTION 23.201 THEREOF, FOR THE PURPOSE OF PROVIDING A NEW DEFINITIONAL SECTION IN PROPER ALPHABETICAL AND NUMERICAL SEQUENCE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 23.201 and enacting a new Section 23.201 as follows:

“Sec. 23.201. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of the Regulations, have the meaning herein indicated.

(1) Adequate Public Facilities: Facilities determined by the City Council to be capable of supporting and servicing specified levels of service for anticipated infrastructure needs in the physical area and with the designated intensity of a proposed subdivision.

(2) Alley: A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

(3) Applicant: The owner of land proposed for subdivision or the developer thereof who has written authority to act on behalf of the owner.

(4) Bikeway: A public way designed to be used for bicycling. "Bikeway" shall include: any Bike Path, which is a public way separated from any highway, street or alley and designed for the use of bicycles; and any Bike Lane, which is a portion of a highway, street, alley or other public way reserved and marked for the exclusive use of bicycles.

(5) Block: An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of the subdivision, shorelines of waterways, or corporate boundaries.

(6) Bond: Any form of security including a letter of credit, a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.

(7) Boundary line Adjustment. An adjustment of lot or parcel lines between owners of contiguous officially platted lots or parcels where no more than the same number of lots or parcels, or fewer numbers of lots or parcels, exist after the adjustment.

(8) Building: Any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. Each area of such structure separated by division walls from the ground up without openings shall be deemed a separate building.

(9) Building Line: A line fixed parallel to the front lot line in front of which lies the front yard and behind which all buildings or structures must be setback under the terms of the Zoning Ordinance.

(10) Building Official/Zoning Enforcement Officer: The individual appointed by the City Manager who is responsible for the administration and enforcement of the Zoning Ordinance and Subdivision Regulations of the City.

(11) Central Sewerage System: A private sewer system including collection and treatment facilities established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(12) Central Water System: A private water system, including water treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(13) City: The City of Ames, Iowa.

- (14) Conveyance Parcel: Any parcel created by the division of land through a deed or contract conveyance, or any boundary line adjustment of land established through a deed or contract conveyance, initially created or established without the benefit of City review and approval, which has been assigned a tax parcel number prior to August 4, 2009, and which is not a legalized lot as defined in this Chapter.
- (15) Dedication: A grant to the City of title to land, without compensation.
- (16) Division: An apportionment of an area of land into two or more parts, any of which is less than 40 acres, except apportionments of an area of land that are made for purposes of lease or rental.
- (17) Driveway Approach: A vehicle access from private property to a public street or alley.
- (18) Easement: The perpetual right to use the land of another for a specified purpose.
- (19) Highway: A public way designated as a highway by an appropriate, state or federal agency.
- (20) Improvement Agreement: A written agreement signed by an Applicant and authorized agents of the City whereby the Applicant agrees to undertake performance of those obligations imposed by the Regulations, or agrees to undertake additional public facility improvements in exchange for such consideration of development rights as may be contained in the agreement and as authorized by the City, and containing such other terms and provisions and in such form as shall be acceptable to the City. Specifically, an Improvement Agreement is to be entered into after approval of the Preliminary Plat in the event that improvements set forth therein will not be completed before submission of the Final Plat.
- (21) Improvement Guarantee: Any surety provided in accordance with Section 23.409 of the Regulations.
- (22) Land Use Policy Plan: The comprehensive plan for the City of Ames, Iowa, as adopted August 26, 1997, and as subsequently amended.
- (23) Legalized Lot: Any lot or parcel approved pursuant to the provisions of this Chapter, or as otherwise legalized under the provisions of Code of Iowa Sections 592.2, 592.3 and/or 592.4.
- (24) Lot: An area of land designated by number or letter in a plat of subdivision recorded pursuant to the Regulations, or otherwise recorded with the office of the County Recorder.
- (25) Major Subdivision: Any division that is not classified as a Minor Subdivision, Boundary line Adjustment or conveyance division.
- (26) Minor Subdivision: Any subdivision that plats no more than three lots fronting on an existing public way and does not require construction or extension of any public ways, utilities or other improvements, as set out in Section 23.301 of the Regulations.
- (27) Outlot: an unbuildable area of land, due to its, size, shape, topography or general location within the phasing of a subdivision.
- (28) Parcel: A part of, an aliquot part of a section, a lot within an official plat, or a government lot. In this context, the term "parcel" does not mean, and should not be confused with, tax parcels.
- (29) Plat of Survey, Official. The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared and signed by a registered land surveyor in compliance with Code of Iowa Section 355.7.
- (30) Plat of Survey, Proposed. A graphical representation of an existing parcel or tract of land, or of a proposed division or reconfiguration of an existing lot, parcel or tract of land, prepared in the same format as an Official Plat of Survey but without the signature of the registered land surveyor.
- (31) Preliminary Plat: A plat for a proposed major subdivision prepared and submitted in accordance with Section 23.13 of the Regulations.
- (32) Public Way: A right-of-way used for passage by the public. "Public Way" shall include, but not be limited to, any highways, streets or alleys.
- (33) Retracement Survey. The process of field locating and marking record title boundaries as described in Code of Iowa Section 355.4.
- (34) Right-of-way: A strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-Way" shall include but not be limited to, any public ways.
- (35) Shade Tree: An overstory tree of approved species and size.
- (36) Sidewalk A public way designed and used for walking and located in public right-of-way or public easements.

(37) Sketch Plan: A plan of land, preparatory to the plat, showing the location of a proposed division of land, including the general location and dimensions of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.

(38) Street: A public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.

(39) Street Classification: All streets shall be classified as one or more of the following, in accordance with the adopted street classification map:

(a) Street, Arterial: Those streets, which provide for a rapid movement of concentrated volumes of traffic over relatively long distances, including:

(i) Freeways and Expressways: Streets or highways which include the major interstate and interregional traffic corridors and provide the highest mobility level and a high degree of access control.

(ii) Principal Arterial: A street intended for the movement of traffic to and from major traffic generators such as the Downtown or Highway Business areas, the University area, major industrial areas, or as a route for traffic between communities and that accommodates a high degree of mobility with a high degree of access control.

(iii) Minor Arterials: Streets intended to collect and distribute traffic in a manner that is designed to serve low intensity traffic generating areas such as neighborhood commercial areas, education facilities, churches or designed to carry traffic from collector streets to principal arterials with a high degree of access control.

(b) Street, Collector: A street intended to move traffic from local streets to arterial streets. These streets provide for movement at moderate speeds and provide a direct route between activity centers with a lesser degree of access control than arterial streets.

(c) Street, Local: A street designed for low speeds and low intensity traffic volumes intended to provide access to private property, and also to move traffic to and from low generating areas to collector and arterial streets.

(i) Cul-de-Sac: A local street closed at one end with a turn-around.

(ii) Dead-end: A local street with only one vehicular traffic outlet.

(iii) Frontage Road: A local street that parallels and is adjacent to an arterial street, that is separated from the through traffic on the arterial street.

(40) Structure: Anything designed and constructed for use on, above or below the surface of land or water and located on land or attached to something located on land. "Structure" includes, but is not limited to, any buildings.

(41) Subdivision: Any area of land divided or proposed to be divided into two or more lots any of which are less than 40 acres.

(42) Walkway: A public way designed to be used for walking."

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor