

Chapter 421, SUBDIVISION OF LAND

[HISTORY: Derived from Ch. LXXI of the Charter and Ordinances, 1974, of the City of Buffalo. Amendments noted where applicable.]

ARTICLE I, General Provisions

§ 421-1. Title.

This chapter shall be known and may be referred to as the "City of Buffalo Subdivision Control Ordinance. "

§ 421-2. Purpose.

These regulations are for the purpose of providing for the future growth and development of the City of Buffalo in affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population and shall be held to be the minimum requirements respecting the conservation, protection and proper use of land in the City of Buffalo. They shall be administered to secure this purpose.

§ 421-3. Statutory authorization; vesting of powers.

These regulations are enacted pursuant to the provisions of Article 3 of the General City Law, Chapter 21 of the Consolidated Laws of New York, and the powers therein are hereby vested with the Planning Board of the City of Buffalo as in said statute provided.

§ 421-4. Applicability.

No person shall, whether by conveyance, ground lease, use of air rights or otherwise, except in compliance with the provisions of this chapter.

A. Divide or further divide land.

B. Otherwise alter the boundaries of lots or parcels of land, whether residential, commercial, industrial or otherwise, or dedicate land, whether by formal cession, private reservation or otherwise, for use as streets, alleys, sidewalks or for other public purposes.

C. Consolidate more than one (1) existing lot or parcel of land with another, under common ownership, for future use or development for a common purpose, whether residential, commercial, industrial or otherwise.

§ 421-5. Exemptions.

A. The foregoing to the contrary notwithstanding, this chapter shall not apply to the following exempt subdivisions:

(1) A transaction between owners of adjoining parcels of land which involves only a minor change in the boundary between the land owned by such persons.

(2) A conveyance of land or interest therein for use as a right-of-way by a railroad or other public utility subject to state or federal regulation where no new street or easement of access is involved.

(3) A conveyance made to correct a description in a prior conveyance.

(4) Any ground lease for a term of less than twenty-five (25) years, including all options of renewal.

(5) Resubdivision of land of not more than twelve thousand (12,000) square feet in area where such land was previously subdivided prior to the effective date of this chapter, provided that such resubdivision does not create any lot with a frontage of less than twenty (20) feet nor involve a new street or easement of access.

(6) Any transfer of land by operation of law.

B. Resubdivision of land over twelve thousand (12,000) square feet in area containing four (4) or fewer lots that would not require referral to the Erie County Department of Health may be exempted from these regulations, subject to such findings as may be made by the Director of Planning and as authorized by the Commissioner of Community Development.

§ 421-6. Definitions.

The following words and terms, wherever they occur in this Subdivision Ordinance, shall be defined as follows:

ALLEY -- A strip of land along the side of or in the rear of lots intended to provide access to and from streets and such lots.

BUILDING SETBACK LINE -- A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.

COLLECTOR STREET -- Any street designated as such on the Master Plan and/or Official Map of the city designed to provide an artery for traffic from several minor streets to a major street.

CROSSWALK -- A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

CUL-DE-SAC -- A street having one (1) open end and being permanently terminated by a vehicle turnaround at the other end.

DEAD-END-STREET -- A minor street having only one (1) outlet.

FRONTAGE -- The property on one (1) side of a street between two (2) intersecting streets, crossing or terminating, measured along the line of the street; or with a dead-end street, all property abutting one (1) side of such street, measured from the nearest intersecting street and the end of the dead-end street.

FRONTAGE ROAD -- A public or private marginal access roadway or paved parking lot containing the necessary driveways or traffic-ways, which is located along the frontage of multiple-family, business or industrial zoning districts which have regulations for establishing minimum distances between points of access to streets and the elimination of parking of automobiles on such streets.

GROUP OR CLUSTER DEVELOPMENT -- Development permitted, now or hereafter, under the Zoning Ordinance. EN

LAND -- All real estate land lying within the boundaries of the City of Buffalo.

LOT -- A portion or basic unit of a subdivision or other parcel of land intended to be the unit by which such land would be individually developed and transferred.

MAJOR STREET -- See "primary street. "

MARGINAL ACCESS STREET -- A minor street which is parallel with and adjacent to primary streets and highways and which provides access to abutting properties and protection from fast, through-moving traffic on primary streets.

MASTER PLAN -- The Master Plan adopted by the Planning Board, including all changes and amendments thereto duly adopted.

MINOR STREET -- A street intended primarily as access to abutting properties.

OFFICIAL MAP -- The map adopted by the Common Council showing the streets, highways and parks laid out, adopted and established by law and additions thereto resulting from annexation or approval and recording of new subdivision plats.

OWNER -- The individual, firm, association, syndicate, copartnership, corporation or trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided for purposes of commencing and maintaining proceedings to subdivide such land as provided by law.

PRIMARY STREET -- A street designed to provide for heavy traffic and of considerable continuity and used primarily as a traffic artery for intercommunication between communities in the metropolitan area.

ROAD or ROADWAY -- The paved area existing on the street right-of-way, exclusive of sidewalks, driveways or related uses.

SECONDARY STREET -- See "collector street. "

STREET -- The street right-of-way or easement, whether public or private; not the area of the paving or other improvements on the street right-of-way unless such paving or improvements coincide with the boundaries of such right-of-way.

STREET WIDTH -- The shortest distance between the property lines abutting both sides of a street right-of-way.

SUBDIVIDER -- The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of this chapter for the purpose of subdividing land.

SUBDIVISION -- Any division or redivision of land by means of mapping, platting, conveying, changing or rearranging of boundaries or otherwise and shall also relate to the process of subdividing or other land subdivided where appropriate to the context.

THROUGH OR DOUBLE-FRONTAGE LOTS -- Residential lots which have more than one (1) boundary fronting a street, except corner lots.

§ 421-7. Purpose.

In order to develop the plat of any proposed subdivision in sufficient detail to allow subsequent review by the Planning Board to be based on a through study of the project by engineering and other interested professionals necessary to the proper enforcement of the provisions of this chapter, the subdivider shall first follow the procedure set forth in this Article, to the extent indicated.

§ 421-8. Preliminary conferences.

The Director of Planning shall make himself or members of his staff available at reasonable hours to discuss with potential subdividers the nature of their proposed subdivisions. Each potential subdivider should bring to such discussion a freehand sketch plan of the proposed subdivision indicating the general layout of proposed streets and lots and other improvements. A location map or sketch, approximately in the scale of four hundred (400) feet to the inch, should also be presented showing the general relationship of the proposed subdivision to its surrounding area, including the general location of major streets, schools, parks and other pertinent land developments. It is usually desirable at this preliminary conference to discuss any requirements for reservations of land, street improvements, drainage, sewerage, water, fire protection and similar matters. It is also recommended that discussions be had by the subdivider with other interested governmental authorities, such as the Department of Public Works, the Buffalo Sewer Authority and the Erie County Health Department, where the approval of such authorities is required by the provisions of this chapter.

§ 421-9. Submission of preliminary layout.

A. Prior to the filing of an application for the approval of a subdivision plat, the subdivider shall file with the Director of Planning an application for the approval of a preliminary layout. This application shall be:

- (1) Made on forms available at the Director's office.
- (2) Accompanied by three (3) copies of the preliminary layout prepared by a professional engineer and/or land surveyor licensed by the State of New York.
- (3) Accompanied by evidence of ownership of the land proposed to be subdivided.
- (4) Accompanied, where the subdivider does not own such land, by written permission from the owner of such land authorizing the subdivider to so subdivide such land under the provisions of this chapter.
- (5) In compliance in all respects with Article IV of this chapter.
- (6) Accompanied by a statement from the Buffalo Division of Water that an adequate primary water supply is or will be available both for consumption and fire purposes.
- (7) Filed with the Director of Planning at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board.
- (8) Accompanied by payment of a fee in accordance with Chapter 175, Fees. The foregoing fee shall not be reduced by any fees which may be collected by various governmental authorities other than the City of Buffalo in connection with the approvals required under the provisions of this chapter.

B. The preliminary layout, drawn to a scale of not more than one hundred (100) feet to one (1) inch, shall contain the following information:

- (1) The name of the proposed subdivision.
- (2) A North point indication, scale, date of preparation of the preliminary layout and the signature of the professional engineer or land surveyor preparing the same.
- (3) A legal description of the land proposed to be subdivided, by deed description, surveyed by a licensed land surveyor, may be an attached exhibit. The locations and coordinates of all monuments shall be referenced to the nearest approved control point as directed by the Department of Public Works where and if such control points exist. In the absence of such control points, the surveyor shall extend a control point for the subdivision satisfactory to such Department.
- (4) Sufficient information to locate accurately the proposed subdivision in relation to its general neighborhood, by means of reference to streets, railroad lines, recorded plats, etc. If the

foregoing references cannot be made, then a vicinity plat showing the location of the proposed subdivision, drawn to a smaller scale, shall accompany the preliminary layout.

(5) The boundary lines of the proposed subdivision, drawn to scale, including angles and distances, and a statement of the total area encompassed by such boundary lines.

(6) The location and dimensions of streets, easements, improvements and utilities within and immediately contiguous to the proposed subdivision as well as the location and dimensions of such major features as railroad lines, airports, watercourses, lakes and exceptional topography.

(7) The location, dimensions and layout of proposed streets, roadways, alleys and sidewalks of the proposed subdivision.

(8) The layout, number, dimensions and area of each lot of the proposed subdivision, whether residential, commercial, industrial or otherwise.

(9) The location, dimensions and layout of all parcels of land intended to be dedicated for public use or reserved for the use of all subdivision property owners, such as parks and other open spaces, together with an indication of the nature of each such use within the proposed subdivision.

(10) The location of all existing and proposed connections with existing and proposed water, sewer and other utility lines and an indication of provisions for and location of surface drainage facilities.

§ 421-10. Submission of additional materials.

The following additional material shall be submitted in support of the preliminary layout to the extent indicated below:

A. An outline and description of the public improvements required to be provided in accordance with Article V of this chapter, if any, together with such preliminary drawings and information respecting the improvements as may be required under the provisions of this chapter by the Department of Public Works, the Buffalo Sewer Authority and other governmental authorities interested therein.

B. Where the Director of Planning so indicates, any of the following information:

(1) Contours at specified intervals.

(2) Sketches, blueprints or other pertinent data on the type of structures proposed to be located on such proposed subdivision.

(3) The location, size and approximate grades of proposed sewers.

(4) Cross-sections of proposed streets showing the width of roadways and the location of sidewalks and proposed street grades and proposed elevations of lot corners.

(5) The proposed location of water, gas, electric and telephone outlets or lines.

(6) The text of proposed protective covenants, if any.

§ 421-11. Review of preliminary layout.

As soon as the application for the approval of a preliminary layout, together with the required supporting information, is filed in a complete form, the application shall be deemed officially filed, and the Planning Board shall meet with the subdivider at its next regular meeting, ten (10) or more days following the date of such official filing, to consider the application in accordance with the design standards set forth in Article IV of this chapter as well as the other provisions of this chapter which pertain to the application. The Planning Board may schedule further meetings with the subdivider or other persons where indicated.

§ 421-12. Planning Board action on preliminary layout.

A. Within forty-five (45) days of the date of official filing of the application for the approval of the preliminary layout, the Planning Board shall approve, with or without conditions, or disapprove the application. However, before any approval is given by the Planning Board, the preliminary layout and all supporting materials shall be reviewed and approved by the Commissioner of Public Works. Such action shall be evidenced in writing, and written notification thereof shall be promptly given to the subdivider. The preliminary layout shall be disapproved only where the Planning Board determines that such drastic modifications of the preliminary layout would be required in order to bring the preliminary layout into compliance with the provisions of this chapter as to render it impractical. The disapproval of the preliminary layout shall be accompanied by a detailed written statement of the reasons for such disapproval.

B. If no action is so taken by the Planning Board within the time prescribed, the application shall be deemed to have been approved without conditions, and the Director of Planning shall promptly issue to the subdivider a certificate so stating.

C. Approval of the preliminary layout shall in no event constitute approval of any subdivision plat but shall merely be a prerequisite to consideration of such plat as hereinafter provided.

§ 421-13. Steps following approval of preliminary layout.

Following approval or conditional approval of the preliminary layout, the subdivider shall undertake the following activities prior to submitting his subdivision plat in accordance with the procedures set forth in Article III of this chapter:

A. Installation of survey monuments. Survey monuments and markers shall be laid out and set on the land proposed to be subdivided where indicated on the preliminary layout as approved. The permanent survey monuments shall be installed within thirty (30) days of the date of the official

notice from the City Engineer, and at the expense of the subdivider. If the City Engineer should determine that the location of said monuments might be disturbed by construction of the required improvements, he shall direct that an adequate amount be included in the performance bond hereinafter described in Subsection E. The survey monuments shall be in accordance with the following standards:

(1) Monuments shall be made of concrete cylinders covered with suitably marked bronze plates.

(2) The tops of the monuments and their location and grade shall be set as established by the Department of Public Works.

(3) The cylinders shall be of sufficient depth to reach below the frost line.

B. Preparation of detailed plans for required improvements. After the installation of survey monuments and markers as above provided, detailed plans and specifications shall be prepared by the professional engineer or land surveyor and submitted by the subdivider for all improvements required to be constructed and installed under the provisions of Article V of this chapter and for any specific conditions which may have been made in the approval of the preliminary layout. A plan and profile for all streets and alleys in the proposed subdivision shall also be prepared, drawn to a maximum horizontal scale of forty (40) feet to the inch, with elevations and grades set forth thereon as established by the Department of Public Works. Profiles and finished grades for water mains and sewer lines shall be furnished where required.

C. Approval of plans for required improvements by the City Engineer and others. The subdivider shall submit the aforesaid plans for required improvements to the City Engineer for his review and approval. Such plans and specifications shall also be submitted to other authorities where the approval of such authorities is required by the provisions of this chapter. Prior to the time that the subdivider applies for approval of the subdivision plat under the provisions of Article III of this chapter, he shall have secured the approval of the aforesaid plans and specifications from the City Engineer, such approval to be in the form of a certification by the City Engineer endorsed on said plans and specifications. Similarly, the approval of other authorities as required by this chapter shall be secured and likewise their certifications shall be endorsed on said plans and specifications.

D. Waiver of any public improvements. As to those requirements for public improvements set forth in Article V of this chapter requested to be waived by the subdivider as provided for in §§ 421-27 and 421-28 herein, the Department or other authority responsible therefor shall furnish a certification setting forth such requirements for which waivers have been approved by it.

E. Bond for required improvements, etc. The subdivider shall also obtain a certification from the Commissioner of Public Works indicating those required improvements that have been completed in compliance with and to the satisfaction of the requirements of this chapter. As to any improvements not so completed, the subdivider shall provide a performance bond and shall submit a certificate of the City Corporation Counsel and the Commissioner of Public Works as to the sufficiency of such performance bond. Such performance bond shall conform to the requirements of § 33 of the General City Law of the Consolidated Laws of New York, shall be

for the period of one (1) year or such other time, not to exceed three (3) years, as may have been determined by the Commissioner of Public Works for the completion of such improvements and shall be in form and amount adequate to assure the satisfactory construction of the required improvements as determined by the Planning Board.

F. Preparation of subdivision plat. The formal subdivision plat shall be prepared by a licensed land surveyor and conform to the approved plans and specifications for required improvements and the preliminary layout, incorporating all conditions made by the Planning Board in granting approval thereof, if any. This plat shall be drawn in ink on tracing cloth. The size of sheet shall be seventeen by twenty-two (17 x 22) inches, twenty-two by thirty-four (22 x 34) inches or thirty-four by forty-four (34 x 44) inches and otherwise comply with requirements of the Erie County Clerk. They shall be the same scale as the preliminary layout, which tracing cloth shall be used as the original copy of such plat for purposes of formal execution, approval and registration in accordance with the provisions of this chapter. The final plat shall contain the following additional matters:

- (1) The date of preparation of the final plat and by whom prepared.
- (2) The boundary of the plat, based on accurate traverse, with angles and linear dimensions.
- (3) All permanent survey monuments and markers and bench marks.
- (4) The exact location, width and name of all streets within and adjoining the plat and the exact location and width of all crosswalk-ways.
- (5) True angles and distances to the nearest established street lines or official monuments [not less than three (3)].
- (6) Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles where required by the Division of Engineering.
- (7) Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- (8) All easements for rights-of-way established for public use and utilities.
- (9) All lot numbers and lines, with accurate dimensions given in hundredths of a foot.
- (10) Accurate outlines of all areas dedicated or reserved for public use, with the proposed uses indicated thereon, and all areas to be reserved by deed covenant for the common use of all property owners, together with the proposed uses indicated thereon.
- (11) An endorsement by an abstract or title company that, as of the date of said endorsement, it finds no delinquent, forfeited, foreclosed or purchased general or real estate taxes or unpaid current general taxes against the land proposed to be subdivided and that it finds no unpaid special or local assessments constituting a lien, whether or not collectible, on the whole or any

part of the land to be subdivided or, in the event there was a division of payment, that all the installments have been paid in full, whether due or not, as of the date of said endorsement.

(12) Forms of dedication, approval and certification set forth in § 421-37.

G. Additional approvals, certifications, etc. Prior to submitting the subdivision plat in accordance with Article III of this chapter, the following additional approvals and certifications shall be secured and evidenced on the final plat or by written documents supplementing such final plat:

(1) In proposed subdivisions containing five (5) or more lots, the certification of approval by the Erie County Health Department.

(2) A certification from the City Treasurer and Director of Water that there are no liens against any of the land to be subdivided arising from nonpayment of city water or sewer charges.

(3) A certification by the owner of and by all mortgagees and lienholders of record having an interest in the real estate to be subdivided, authorizing and acknowledging the preparation of the subdivision plat and the dedication or cession of all streets and other public areas in the proposed subdivision.

(4) The approval of the City Engineer, after review of the final plat by the City Survey Division, that said subdivision agrees with the city survey and is mathematically correct.

ARTICLE III, Plat Approval Procedure

§ 421-14. Submission of application.

Within six (6) months of the Planning Board's approval, conditional approval or certification of no action constituting approval of the preliminary layout, the subdivider shall make application, on forms provided by the Director of Planning, for the approval of his subdivision plat. Such application shall also be made at least ten (10) days prior to the next regularly scheduled meeting of the Planning Board and shall be accompanied by the following documents:

A. The original and two (2) copies of the subdivision plat, bearing the seal and signature of the professional engineer and/or land surveyor who prepared it, in accordance with the requirements of § 421-13F of this chapter.

B. Formal offers of cession (where not set forth on the subdivision plat) to the public of all streets, highways or parks not specifically reserved to the owner by notation on the subdivision plat, all such offers of cession to be accompanied by appropriate deeds bearing a certification of approval by the City Corporation Counsel as to legal sufficiency.

C. The plans and specifications for required improvements containing the requisite certifications set forth in § 421-13 of this chapter, together with the bond and waivers, if any, specified in that section.

D. All other required additional approvals and certifications as provided in § 421-13G.

§ 421-15. Public hearing.

Upon the completion of the submission of the subdivision plat, the Planning Board shall hold a public hearing on the proposed subdivision plat after first having advertised the same in a newspaper having a general circulation within the City of Buffalo at least five (5) days prior to the date of such hearing. The Planning Board shall also notify the Common Council of such hearing. At the hearing, the Planning Board shall review the entire matter and make known the extent of the required public improvements for which waivers have been requested.

§ 421-16. Final action.

The Planning Board shall take final action on the proposed subdivision plat, including any request for waivers, within forty-five (45) days of the filing of the same in the complete form required by the provisions of § 421-14 of this chapter. The Planning Board shall determine on the basis of the final plat, the accompanying documentation and information developed at the public hearing whether the subdivision plat is in substantial conformance with the preliminary layout and is in full conformance with the plans and specifications for required improvements, the Master Plan and the Official Map of the city and other applicable provisions of this chapter or any other ordinance of the City of Buffalo. If such compliance is determined to be present, the Planning Board shall approve without qualification or condition the subdivision plat. Where such compliance is not found and determined but where the Planning Board does determine that such compliance can be had by imposing certain conditions, it shall then conditionally approve the subdivision plat, and such conditions shall be endorsed on the face thereof. If the Planning Board determines that the subdivision plat cannot be brought into compliance as aforesaid, then the Planning Board shall disapprove the subdivision plat. If the Planning Board fails to take action within the aforesaid forty-five-day period, the subdivision plat shall be deemed to have been approved without conditions, and the Director of Planning shall promptly issue to the subdivider a certificate so stating. Approval with or without conditions shall be evidenced on the original subdivision plat by a certification executed by the Chairman of the Planning Board. The foregoing periods of time do not apply to powers exercised by the Planning Board under § 421-29 of this chapter.

§ 421-17. Registration.

Within ninety (90) days from the date of approval, with or without conditions, or within ninety (90) days from the date of the issuance of a certificate by the Director of Planning indicating approval of the subdivision plat because of no action by the Planning Board, the Director of Planning and the subdivider shall file for record the original subdivision plat in the office of the County Clerk of Erie County, New York. However, in all cases involving dedication of new streets, a copy of the approved subdivision plat must first be filed in the office of the City Clerk

of Buffalo, and he shall endorse upon the original plat "ACCEPTED," along with the date of acceptance. The aforesaid approval of the subdivision plat shall be deemed to have become null and void if such plat is not so registered within said ninety-day period.

ARTICLE IV, Design Standards

§ 421-18. Applicability.

All subdivisions of land subject to the provisions of § 421-3 shall conform to the design standards of this Article.

§ 421-19. Compliance with Master Plan and Official Map required.

Subdivisions shall not conflict with the Master Plan and Official Map of the city.

§ 421-20. Street layout and design.

A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and Official Map of the city and shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety and to their relation to proposed uses of the land served by such streets. Where the Master Plan and/or Official Map are not relevant to streets of the proposed subdivision, the arrangement and design standards of such streets shall conform to all applicable provisions of any other ordinances of the City of Buffalo.

B. Street arrangements in new and proposed subdivisions shall make provision for the extension of existing streets into the area proposed to be subdivided, where practicable.

C. Where unsubdivided land adjoins the proposed subdivision, provision shall be made, where practicable, for the extension of streets into such unsubdivided area. Such provision may include leaving vacant land which would be required to extend such streets to this area; or, where the subdivision of such area can be foreseen in the near future, this provision may include street construction to the boundary of such area.

D. Half streets are prohibited except where the Planning Board finds that the land adjoining such half street is unsubdivided and that it will be practicable to require the dedication of the other half of such street at such time as the adjoining land is subdivided. Where a half street is approved by the Planning Board, both halves of such street shall be platted on the plat of the proposed subdivision.

E. Where a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and further resubdivision in a logical and orderly manner.

F. Where a proposed subdivision abuts on or contains an existing primary or major street or expressway, marginal access streets or other comparable techniques may be required by the Planning Board where necessary to separate through traffic from local traffic and to protect residential properties.

G. Where a proposed subdivision contains a railroad right-of-way, public utility right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way or where the proposed subdivision abuts such right-of-way, on that side of such right-of-way. Such parallel street shall be located at a distance permitting the appropriate use of intervening land for park purposes in residential districts or for commercial, business or industrial purposes in commercial, business or industrial districts, as the case may be. This distance shall also be sufficient to provide for suitable approach grades and future grade separations with respect to such street and such right-of-way. Where such right-of-way is under the jurisdiction of the New York State Department of Transportation or the Erie County Department of Public Works, respecting maintenance and upkeep thereof, entrances to such right-of-way from such parallel street shall not be approved by the Planning Board unless the subdivider has submitted to the City Engineer and the Planning Board a written permit issued by such department approving the construction of such entrances.

H. No strip or area of land in a proposed subdivision shall be reserved along any portion of a street, half street or alley where the effect thereof prevents access to such street, half street or alley by adjacent property owners.

I. Permanent dead-end streets shall not be longer than five hundred (500) feet and shall be provided at the closed end thereof with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a right-of-way diameter of at least one hundred twenty (120) feet. Where a dead-end street is of a temporary nature, awaiting its extension into adjoining land, a similar turnaround shall be provided, except that all land in excess of that needed for such street when extended shall be subject to a temporary easement allowing such turnaround, but terminating when such extension is made. These restrictions will apply unless the Planning Board approves an alternate arrangement.

J. Minor streets shall be laid out so that their use by traffic will be discouraged.

K. Width.

(1) Minimum widths for street rights-of-way shall conform to the following schedule:

(a) Major or primary streets: eighty (80) feet to one hundred (100) feet (located in accordance with the Master Plan).

(b) Secondary or collector streets: sixty-six (66) feet to eighty (80) feet (located in accordance with the Master Plan).

(c) Marginal access streets: forty (40) feet.

(d) Minor streets: sixty-six (66) feet.

(e) Cul-de-sac streets: sixty (60) feet.

(2) Where streets adjoining areas zoned for commercial, business or industrial use or where a petition for a change in zoning is contemplated to permit commercial, business or industrial use, the above street widths shall be increased by the amount necessary to provide for the free flow of through traffic without interference from parked or parking vehicles and to provide for safe parking space for such commercial, business and industrial uses.

L. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.

M. The intersection of more than two (2) streets at one (1) point shall be avoided except where otherwise impractical to secure a proper street system. Streets shall intersect one another at an angle as near to a right angle as possible, and in no event shall such intersections be at angles of less than sixty degrees (60°). Pavement intersections shall be rounded, with a minimum radius of twenty (20) feet measured at the back of the curbs where such intersections are right-angle intersections. If an intersection occurs at other than a right angle, it shall be rounded with a curve of a radius acceptable to the Planning Board and the City Engineer.

N. When connecting streets deflect from each other at any point by more than thirty degrees (30°), they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet and of such greater radii as the Planning Board shall determine for special cases. The location and profile of such streets shall give a clear sight distance of at least three hundred (300) feet for all primary streets and two hundred (200) feet for all other streets.

O. The several streets and avenues in the city shall be known and designated by the names heretofore adopted by the ordinances now in force, as shown on the Official Map, together with all amendments and revisions thereof. Names of new streets and avenues shall not duplicate existing or platted street or avenue names unless a new street or avenue is a continuation of or in alignment with existing or platted streets or avenues, in which event it shall bear the same name of the existing or platted street or avenue. The names of all new streets or avenues shall be subject to the prior approval of the Division of Planning.

P. All lots, buildings and structures in the city shall be given house numbers as provided in Chapter 109 of the City Code.

§ 421-21. Alleys.

A. All residential blocks may be provided with alleys paralleling the respective frontage streets with a width of not less than twenty-two (22) feet. Such alleys shall be improved, including a pavement.

B. In commercial, business and industrial districts, alleys shall be permitted only where necessary to assure adequate off-street loading and unloading. Such alleys shall have a right-of-way of not less than twenty-two (22) feet in width and shall have full access to streets at each end.

§ 421-22. Blocks.

A. Blocks may be irregular in shape, provided that they are harmonious with the overall pattern of blocks in the proposed subdivision and provided that their design meets the requirements of lot standards, traffic flow and control considerations and public land requirements.

B. Blocks intended for commercial, business or industrial use shall be designed for such use, and the plat shall show adequate off-street areas for parking, loading docks and other facilities that may be required to accommodate motor vehicles.

C. Except for industrial subdivisions, in blocks of eight hundred (800) feet or more in length, a public crosswalk for pedestrian travel shall be provided. Such crosswalk shall have a right-of-way of not less than ten (10) feet and extend entirely across such block at approximately the midpoint of the length of such block. A sidewalk shall be placed along the length of such right-of-way and constructed in accordance with the requirements of Chapter 413, § 413-44, of this Code.

D. All blocks in the proposed subdivision shall be numbered.

§ 421-23. Lots.

A. Where a special planned development (group or cluster development) is not proposed, each residential lot shall have:

(1) Its full frontage abutting a street;

(2) Lot lines at substantially right angles to straight streets or radial lines to curved streets;

(3) A minimum width of forty (40) feet at the building setback line or, in the case of a corner lot, a minimum width of forty-five (45) feet at the building setback line; and

(4) A minimum area of four thousand (4,000) square feet or, if a corner lot, a minimum area of four thousand five hundred (4,500) square feet.

B. Minimum widths of residential lots, as measured at the building setback lines thereof, shall be no less than:

(1) Forty (40) feet for interior lots and forty-five (45) feet for corner lots containing an area of four thousand (4,000) square feet or more but less than six thousand (6,000) square feet.

(2) Sixty (60) feet for interior lots and sixty-five (65) feet for corner lots containing an area of eight thousand (8,000) square feet or more but less than ten thousand (10,000) square feet.

(3) Seventy-five (75) feet for lots containing an area of ten thousand (10,000) square feet or more but less than fifteen thousand (15,000) square feet.

(4) Ninety (90) feet for lots containing an area of fifteen thousand (15,000) square feet or more but less than twenty thousand (20,000) square feet.

(5) One hundred (100) feet for lots containing an area of twenty thousand (20,000) square feet or more but less than thirty thousand (30,000) square feet.

(6) One hundred twenty-five (125) feet for lots containing an area of thirty thousand (30,000) square feet or more but less than one (1) acre.

(7) One hundred fifty (150) feet for lots containing an area of one (1) acre or more.

C. Where lots front upon a cul-de-sac or curved street having a radius of two hundred (200) feet or less, minimum lot widths as set forth in Subsection B above shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their frontage length, as measured on the arc of such right-of-way line, is not less than fifty percent (50%) of the required lot width measured at the building setback line.

D. The area of the street right-of-way shall not be included in calculating the area of the lot with respect to the minimum lot area requirements of this chapter or the Zoning Ordinance. Lots shall be required to have more than the minimum area or dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the Zoning Ordinance. EN

E. There shall be no through or double-frontage residential lots except where such lots abut upon a primary street or where the topography of the land prevents reasonable subdivision in smaller units. Double-frontage residential lots shall not have vehicular access between such lots and an abutting primary street. Moreover, such lots abutting a primary street shall have an additional depth of ten (10) feet from the required depth in order to allow a protective screening between the lot and the primary street in question.

F. Lots shall be laid out in a compact and integrated manner suitable for the intended use and development thereof, taking into regard the prospective character of the development, such as dense residential development, open residential development, business development or industrial development, and relating such use to the existing or planned development of the immediate surrounding area.

§ 421-24. Setback.

A. A building setback line shall be determined for all residential lots and for all commercial, business or industrial lots immediately adjoining residential lots.

B. The location of building setback lines shall conform to the provisions of the Zoning Ordinance. EN In addition thereto:

(1) Lots adjacent to primary, major and secondary thoroughfares where individual building setback lines have been heretofore established by ordinance for such specific streets shall conform to the requirements of such ordinance.

(2) Where not otherwise provided for in any ordinance of the City of Buffalo, building setback lines shall be established in accordance with the needs of the area, but in no case shall such building setback lines be less than twenty-five (25) feet from the right-of-way, except where all frontage on one (1) side of a street between two (2) intersecting streets is used for commercial, business or industrial purposes, in which case such building setback line shall be not less than twenty (20) feet.

§ 421-25. Easements.

A. In areas classified residential under the provisions of the Zoning Ordinance, EN easements of not less than five (5) feet nor more than ten (10) feet in width shall be provided and be situated along the rear lot lines and shall require that electric and telephone lines be placed underground only.

B. Where the proposed subdivision is traversed by a watercourse, drainageway, channel or stream, an easement shall be dedicated ten (10) feet on each side of such watercourse, drainageway, channel or stream where it is necessary to relocate or straighten such watercourse, drainageway, channel or stream.

ARTICLE V, Improvements

§ 421-26. Required improvements.

A. The developer of a proposed subdivision shall, within three (3) years from the date of approval of the final plat, install or cause to be installed the following facilities:

(1) Roadways, curbs, gutters and street drainage facilities in accordance with the current specifications of the Department of Public Works.

(a) All roadways shall be bordered by curbs meeting the requirements of this chapter and shall have the following dimensions:

[1] Primary or major streets: forty-eight (48) feet between the face of curbs or two (2) twenty-four-foot roadways divided by a median strip with a minimum crown of seven (7) inches for forty-eight (48) feet and four (4) inches for twenty-four (24) feet.

[2] Secondary streets: thirty-seven (37) feet between the face of curbs, with a minimum crown of five (5) inches.

[3] Minor streets (residential) : thirty-two (32) feet where abutting lots of less than twenty thousand (20,000) square feet, with a minimum crown of five (5) inches; twenty-eight (28) feet where abutting lots of more than twenty thousand (20,000) square feet, with a minimum crown of five (5) inches.

[4] Cul-de-sac streets: twenty-eight (28) feet, with a minimum crown of five (5) inches.

[5] Marginal access streets: twenty (20) feet, with a minimum crown of four (4) inches.

[6] Frontage roads: twenty (20) feet, with a minimum crown of four (4) inches.

[7] Industrial streets: forty (40) feet, with a minimum crown of six (6) inches.

(b) The longitudinal gradient of streets shall not be in excess of four percent (4%) on primary, major or secondary streets nor in excess of eight percent (8%) on other streets nor have a minimum grade of less than four-tenths of one percent (0.4 of 1%).

(c) Street pavements shall meet the standard specifications of the City Engineer on file with the Commissioner of Public Works. Where specifications permit the use of bituminous concrete surfacing, such surfacing shall conform to the standard specification on file with the Commissioner of Public Works.

(d) Where the gradient of the street warrants installation of vertical-type curbs or other special design of improvements, such as double inlets, the City Engineer is authorized to require such design.

(e) Curbs, gutters and drainage facilities shall be provided in accordance with standard specifications prepared by the City Engineer on file with the Commissioner of Public Works. Where abutting road pavement is of portland cement, concrete, curbs may be integral with such pavement. Where connected to storm sewers, curb inlet frames and grates shall be equivalent to standard type as specified.

(f) Roadways constructed in accordance with the foregoing standards shall be considered as an original pavement within the meaning of Section 539(c) of the Charter of the City of Buffalo, and the Planning Board may permit a subdivider to seek permission from the Common Council to pave a street privately, provided that the provisions of Resolution No. 104, adopted by the Common Council March 22, 1960, as now or hereafter amended, are fully complied with; and provided, further, that the Planning Board finds that the use of such private pavement will not materially affect the basic standards and provisions of this Subdivision Ordinance.

(2) Sidewalks to be located in public areas in accordance with the following standards:

(a) Where practical, sidewalks shall be laid within the street right-of-way, one (1) foot from the property lines of abutting lots and along such line as extended at all intersections. To the extent possible, such sidewalks shall be a minimum of four (4) feet from the roadway curb; except that, in industrial subdivisions, sidewalks may be located adjacent to such curb if the placement of fire hydrants can be made as provided in Subsection A(4) below.

(b) Sidewalks shall be five (5) feet in width and shall meet the standard specification for concrete sidewalks prepared by the City Engineer and on file with the Commissioner of Public Works.

(c) All sidewalks shall be constructed of concrete meeting the current specifications of the Division of Engineering.

(3) A water supply system for each lot of the proposed subdivision installed in accordance with the provisions of the specifications for water mains and laterals prepared by the Division of Water and on file with the Commissioner of Public Works. Taps or connections to water mains must conform to Chapter 491, § 491-9, of the Code of the City of Buffalo. Water meters will be installed where required in conformance with Chapter 491, § 491-59, of the Code of the City of Buffalo.

(4) Fire hydrants of the type and quantity specified in standards prepared by the Division of Water and on file with the Commissioner of Public Works. The placement and method of installing fire hydrants shall be in accordance with the standards of the National Board of Fire Underwriters and shall be subject to the inspection and approval of the Director of Water.

(5) Fire alarm and telephone cables and boxes in accordance with standards prepared by the Fire Department on file with the Fire Commissioner.

(6) Sewer systems in accordance with the following standards:

(a) A sanitary sewer system for each lot meeting all specifications and regulations of the Buffalo Sewer Authority. In addition thereto:

[1] The sanitary sewer system of the proposed subdivision shall be connected to the city sanitary sewer system at such point or points as the Buffalo Sewer Authority shall deem, based upon the location and size of the city sanitary sewer system in relation to the estimated flow of the sanitary sewer system of such subdivision.

[2] Wherever possible, sanitary sewers and services of approved design and capacity shall be laid a minimum of six (6) feet below finished grade. Manhole frames and grates shall be equivalent to the specifications of the Buffalo Sewer Authority and shall be imprinted with "Buffalo Sewer Authority. " Manhole covers shall be located at maximum intervals of four hundred (400) feet to facilitate maintenance of the sanitary sewer system.

(b) A storm sewer system, separate and independent of the sanitary sewer system, meeting all specifications of the Buffalo Sewer Authority. In addition thereto:

[1] Such storm sewer system shall be connected to an existing storm sewer system where available. If such connection is unavailable, other adequate means approved by the Buffalo Sewer Authority for the discharge of such storm sewer system shall be provided by the developer.

[2] Storm sewers shall be designed to accept and convey all stormwaters entering upon the proposed subdivision on a five-year storm basis and shall be sized to carry adequately all tributary areas at such time as they are developed. Such design shall be by the Rational Method for tributary areas up to six hundred forty (640) acres, and the method of design for areas over six hundred forty (640) acres shall be subject to approval by the Buffalo Sewer Authority.

[3] Storm sewers shall be designed to flow full with a minimum velocity of two (2) feet per second and a maximum velocity of ten (10) feet per second.

[4] A sufficient number of inlets shall be provided at all low points and at other locations as may be necessary to adequately intercept the surface runoff. Rear-yard inlets shall be provided, where necessary, with a catch basin bottom having a depth of at least two (2) feet and with outlet pipes installed in such a manner as to preclude the entrance of floating matter into the storm sewer. Rear-yard inlets shall have a frame and grate in conformance with specifications of the Buffalo Sewer Authority.

[5] Manhole covers shall be in conformance with specifications of the Buffalo Sewer Authority and imprinted with "Buffalo Sewer Authority. "

(7) Streetlighting facilities, including cables, standards and fixtures, in accordance with the specifications prepared by the City Engineer on file with the Commissioner of Public Works.

(8) Street signs of such location, type and size as conform to Section 253. 2 of the New York State Manual of Uniform Traffic Control Devices, such signs to be installed by the Department of Public Works. Application is made to the Commissioner of Public Works for installation.

(9) Landscaping of all public areas, including the grading and seeding thereof, and the planting of trees as indicated in Chapter 467. [Amended 6-19-1990, effective 7-2-1990; 6-10-1997, effective 6-23-1997]

(10) Either permanent or bituminous macadam pavement in accordance with all standards and specifications of the Division of Engineering. The permanent pavement is accepted by the City of Buffalo and will be maintained and replaced by the city after the period of guaranty. The bituminous macadam pavement is not considered a permanent pavement in conformance with city specifications and must be maintained and replaced by the property owner and comply with the provisions of Resolution No. 104 respecting notice on deed, as now or hereafter amended. The City Engineer will furnish grades for all streets.

B. Copies of these specifications shall be available in the office of the Commissioner of Public Works.

§ 421-27. Exceptions for existing improvements.

A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set forth in § 421-26 and where such improvements meet the requirements of § 421-26, no further provision needed be made by the developer to duplicate such improvements. However, where such existing improvements do not so meet the requirements of § 421-26, the developer shall repair, correct or replace such improvements so that all improvements will then meet the aforesaid requirements of § 421-26.

B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than fifty (50) feet in width or a roadway of less than twenty (20) feet in width, the land shall be dedicated so as to provide a minimum street width of sixty-six (66) feet, and the developer of such proposed subdivision shall provide an additional roadway pavement width meeting the minimum standards set forth in § 421-26A(1). The City Engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of a smaller width at the boundary of such proposed subdivision. The City Engineer may also require lanes to be painted on such widened streets, designating driving and parking areas. The foregoing provisions requiring the widening of pavement shall not apply where the length of such pavement is less than seven hundred (700) feet.

§ 421-28. Restrictions on waivers.

None of the public improvements required by § 421-26 hereinabove may be waived without the written consent of the Commissioner of Public Works. The Planning Board may subject any waiver to conditions or guaranties suitable or appropriate under the circumstances.

§ 421-29. Modification of bond.

During the term of any performance bond given by the subdivider in accord with § 421-13E of this chapter, the Planning Board may modify the required improvements covered in such bond and cause the principal amount thereof to be decreased where the Planning Board finds that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements originally covered by such performance bond or where the required improvements have been properly installed to a sufficient extent to warrant reduction in the principal amount of said bond or to be increased where the Planning Board finds that the character and extent of such development requires additional improvements previously waived for some period of time, which period was stated at the time of fixing the original terms of such bond.

§ 421-30. Inspections.

All improvements required by the provisions of this Article shall be inspected by the engineering inspectors during the course of construction and at completion. The city shall engage

the services of a licensed professional or a firm of professionals to make such inspections. Fees and costs incurred by the city for such inspections shall be paid by the subdivider.

§ 421-31. Acceptance by city.

Upon the completion of all improvements required by the provisions of this Article, a final inspection thereof shall be made by the City Engineer, and, if found to be in conformance with the requirements of all applicable ordinances of the City of Buffalo, the City Engineer shall so certify his approval and transmit the same to the Common Council pursuant to the provisions in Section 181 of the City Charter. Where formal offers of dedication and cession have been presented or set forth on the subdivision plat, the Common Council may, by ordinance, formally accept such improvements, at which time they shall become the property of the city (except improvements belonging to public utilities under the jurisdiction of the Public Service Commission). Until such acceptance, the improvements shall be deemed private and the maintenance thereof shall not be the responsibility of the city. No reimbursement shall be made by the city or any district, department or authority therein for such improvements.

ARTICLE VI, Reservation of Recreational Land

§ 421-32. Determination by Planning Board.

The Planning Board shall determine whether a park, playground or other recreational area will be needed in any proposed subdivision, taking into account the size and nature of the proposed subdivision and its relation to surrounding territory, including any parks, playgrounds and recreational areas in the neighborhood, as well as the Master Plan and the Official Map. Where the Planning Board so determines that a park, playground or recreational area should be provided, it shall require the subdivider to set forth such area on the subdivision plat; provided, however, that no such park, playground or recreational area shall exceed in area ten percent (10%) of the total area to be subdivided. All such reservations shall remain private unless ;accepted by the city in the same manner as provided in § 421-31.

§ 421-33. Identification of area on plat.

Where the Planning Board has determined that a park, playground or recreational area should be reserved, the subdivider shall indicate the same by identifying the area on the subdivision plat with the endorsement "Reserved for park, playground or recreational purposes. "

ARTICLE VII, Miscellaneous Provisions

§ 421-34. Construal of provisions.

A. Where the conditions imposed by the provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. The provisions of this chapter are intended to be in conformance with the current provision of Article 145 of the New York State Education Law governing engineering and surveying and the Real Property Law, §§ 334 through 339, as amended.

B. The provisions of this chapter are not intended to abrogate any easement, covenant or other private agreement, provided that, where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this chapter shall govern.

C. No subdivision of land which was not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter. Moreover, to the extent and in any manner that said subdivision of land is in conflict with the requirements of this chapter, said subdivision of land remains unlawful hereunder.

D. The provisions of this chapter are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of this chapter.

§ 421-35. Promulgation of rules and regulations.

In order to carry out the purposes of this chapter the Planning Board may adopt such rules or regulations respecting any of the matters contained in this chapter as it deems necessary; provided, however, that the Planning Board shall have held public hearings concerning any proposed rules or regulations; and provided, further, that the Common Council approves any rules or regulations submitted to it by the Planning Board before said rules or regulations take effect.

§ 421-36. Penalties for offenses.

A. Building and other permits. No building permit shall be issued under the provisions of the Building Code for building construction on any lot of any subdivision subject to the provisions of this chapter until a certified copy of a duly recorded plat of subdivision has been filed with the Department of Inspections and Licenses and all other lawful requirements have been satisfied, nor shall any other permits required by any other ordinances of the City of Buffalo be issued until all provisions of this chapter have been complied with, including but not limited to the approval by the Planning Board of plans and specifications for required improvements and the posting of bonds and the making of cash deposits.

B. Plat registration. No plat of subdivision shall be filed or recorded in the office of the County Clerk or Register until it has been approved in accordance with the provisions of this chapter, except as may otherwise be provided by law.

C. Voidable sales. Any sale of land subdivided in violation of the provisions of this chapter shall be voidable at the option of the purchaser thereof or his grantees and successors and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged therefor, together with any damages sustained by said purchaser or purchasers thereof recoverable in an action at law.

§ 421-37. Form of certificates, approvals and bonds.

The form of certificates, approvals and bonds called for in this chapter shall be substantially in accordance with such certificates, approvals and bonds on file in the office of the Director of Planning, as the same may be from time to time revised and modified pursuant to powers exercised by the Planning Board in accordance with § 421-35 of this chapter.