

Chapter 113- SUBDIVISIONS

ARTICLE III. DESIGN STANDARDS

Sec. 113-78. Streets.

- (a) The location and width of all streets and roads shall conform to the official master plan, which includes the master street plan.
- (b) The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width. Half streets will be permitted.
- (c) Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements in subsection (b) of this section. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.
- (d) When a tract fronts on a major highway, the planning commission may require such lots to be provided with frontage on a marginal access street.
- (e) Grades on major highways and internal major streets shall not exceed seven percent. Grades on other streets may exceed seven percent but not ten percent. Street grades along the gutter shall not be less than one-half of one percent.
- (f) Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 70 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.
- (g) Street intersections shall be as nearly at right angles as possible and when the angle is less than 75 degrees, the property line at such an intersection shall be made on a radius of not less than 20 feet. If a curb is required at such intersection, it also shall be construed on a radius concentric with the property line radius. A detailed design of the intersection may be required by the planning commission.
- (h) A tangent of at least 100 feet long shall be introduced between reverse curves on internal major and collector streets.
- (i) Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- (j) Local streets or courts designed to have one end permanently closed shall be no more than 400 feet long unless approved by the planning commission. There shall be provided, at the closed end, a turnaround having an outside roadway diameter of at least 80 feet and a street right-of-way diameter of at least 100 feet.

(k) There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated accepted street.

(l) Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets names of proposed streets shall not duplicate existing names.

(m) Alleys may be provided to the rear of all lots to be used for business purposes and shall not be provided in residential blocks, except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.

(n) Street improvements and surfacing requirements shall be those specified in article IV of this chapter.(Code 2006, § 15.12.01; Ord. No. 909, § III, 9-19-1955; Ord. No. 2177, § 1, Ord. 09:105, December 15, 2009)

Sec. 113-79. Blocks.

The planning commission may require blocks to be limited or extended in length or in depth and may require public crosswalks through any part of the block.

(Code 2006, § 15.12.02; Ord. No. 909, 9-19-1955)

Sec. 113-80. Lots.

(a) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road which has a right-of-way not less than 50 feet in width.

(b) The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider may be required to connect with such sewer and provide a connection to each lot. Nothing herein shall repeal any other ordinances or regulations regarding sewer connections. Where a public sanitary sewer is not accessible, an alternate method of sewage disposal may be used, when meeting all applicable public health regulations, laws or ordinances.

Residential lots served by a public sewerage system shall not be less than 50 feet wide at the building setback lines. Lots on a cul-de-sac may be allowed with less than 50 feet if approved by the city planning commission.

(c) Setback lines and minimum square footage for residential buildings shall meet the requirements as set forth for R-1, R-2 and R-3 zonings for residential buildings shall be at least 20 feet from the front lot lines. Corner lots shall have a setback from side street lot lines of at least 20 feet.

(Code 1962, § 21-28; Code 2006, § 15.12.03; Ord. No. 2698, § 1)

Sec. 113-81. Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

(Code 2006, § 15.12.04; Ord. No. 909, § IV, 9-19-1955)

Sec. 113-82. Large scale developments.

A large scale development, including the construction of two or more buildings, together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets, may be approved by the city planning commission, if, in the opinion of the commission, any departure from the regulations of this article can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to, and approved by the city planning commission. Plats are not to be recorded and no building permits shall be issued until such approval has been given.

(Code 2006, § 15.12.05; Ord. No. 909, 9-19-1955)

Sec. 113-83. Public use areas.

(a) Due consideration shall be given to the allocation of areas suitably located and of adequate size for the playgrounds and parks.

(b) The city planning commission may require the dedication or the reservation of such open space within the subdivision up to a total of ten percent of the gross area of the entire subdivided tract.

(Code 1962, § 21-31; Code 2006, § 15.12.06)

Sec. 113-84. Variances.

No deviation from these general requirements shall be permitted or approved by the planning commission, except when a strict application of the requirements would cause undue hardship or injustice to the subdivider. The planning commission and member of the city council, at the same time, serving on the street committee of the council, are designated as a board of adjustment with powers to waive or modify these requirements in keeping with the provisions law. Any variance authorized must be in keeping with the spirit and intent of the general requirements and must be entered in writing in the minutes of the planning commission and the reason on which the departure was justified set forth.

(Code 2006, § 15.12.07; Ord. No. 909, 9-19-1955)

Secs. 113-85—113-111. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 113-112. Required improvements.

The subdivider shall complete the following improvements to the entire block in which said lot is located and to adjacent areas sufficient to accomplish the planned drainage and access:

(1) Concrete monuments, at least four inches in diameter or square, three feet long, with a flat top, shall be set at the nearest property line to all corners of the subdivision. Metal pipe or rods, at least two inches in diameter, three feet long, shall be set at all block corners; angle points of a subdivision boundary lines. The top of the concrete monuments and pipes shall be set flush with grade. Metal pipe or rods, three-fourths of an inch in diameter and three feet long, shall be set at all lot corners.

(2) All streets shall be cleared and graded by the subdivider to the full width of the right-of-way with the exception of streets where a right-of-way greater than 80 feet is required. Finished grades shall be at levels as approved by the city planning commission and/or the state highway department.

(3) The subdivider shall provide permanent six inch concrete curbs with integral concrete gutters or standard rolled curbs and gutters on all streets in accordance with the Master Street Plan.

(4) Street improvements and surfacing requirements shall be those specified by ordinance.

(5) Surface water inlets and drains according to plan.

(6) Make provisions for all available utilities and in connection with sanitary sewers, where available, cause installation of collector lines before surfacing streets.

(7) The subdivider or developer of a subdivision must, before the sale of any lot or application for any building permit, either complete all the site improvements defined in this section and as specifically identified on a record plat of subdivision and supporting plans and documentation; or furnish the Metropolitan Area Planning Commission evidence that an appropriately funded escrow account has been established in an amount necessary to cover the cost of completing all remaining site improvements. The amount to be escrowed shall be verified by the office of the city engineer.

(8) The chairperson and the secretary of the Metropolitan Area Planning Commission shall not sign and the circuit clerk shall not record a record plat of subdivision until all conditions imposed by the commission have been satisfied and all required site

improvements have been completed or their completion guaranteed and secured by an appropriate escrow of funds.

(9) Upon completion of required site improvements, the civil engineer sealing the record plat of subdivision shall provide to the office of the city engineer a signed and sealed statement verifying that all site improvements have been installed and completed in accordance with the design drawings, specifications, and other documents that comprise and support the record plat of subdivision. The city's process of accepting the dedication of site improvements shall not begin until this statement of verification is received and accepted by the city.

(Code 2006, § 15.16.01; Ord. No. 909, § V, 9-19-1955; Ord. No. 1145, § 1, 12-5-1966; Ord. No. 2177; Ord. No. 3084; Ord. No. 3043; Ord. No. 04:438, 1-20-2004, Ord. 09:105, December 15, 2009)

Sec. 113-113. Compliance or evidence of intended compliance required.

The subdivider or developer must, before the sale of any lot or lots, either complete the improvements shown in section 113-112 or furnish the city planning commission evidence that an appropriate funded escrow agreement in the amount of the contract cost of street improvements required by section 113-112 that are not completed at the date of sale of the lot from the closest improved street to and including all front feet of said lot.

(Code 2006, § 15.16.02; Ord. No. 1145, § 2, 12-5-1966)

Sec. 113-114. Funded escrow agreement defined.

For the purpose of section 113-113, the term "funded escrow agreement" means evidence satisfactory to the city planner or staff person designated by said planner that a cash sum or corporate surety bond has been posted in an amount sufficient to guarantee completion of all required improvements. In the event the developer and city planner, or designated staff person, cannot agree as to the amount and/or sufficiency of said bond, the developer may appeal to the full planning commission, who shall have the authority to approve said required amount and sufficiency.

(Code 2006, § 15.16.03; No. 909, § VI, 9-19-1955; Ord. No. 1145, § 3, 12-5-1966; Ord. No. 3592, Ord. No. 05:177, 11-15-2005)

Sec. 113-115. Street markers.

(a) It shall be the duty of any property owners and/or subdivider of lands wishing to be annexed to the city to provide for all street markers and traffic signs on all

streets and at each corner of said streets before any land shall be annexed to the city.

(b) It shall be the duty of all property owners and/or subdividers of lands within the city from the date of passage of this Code to provide for street markers and traffic signs on all streets and on each corner of said streets.

(c) All street markers and traffic signs which are required, as set out above, shall be constructed according to city specifications shall be constructed according to city specifications and to the Manual on Uniform Traffic Control Devices, latest edition, with no exceptions. Fees for making and installing the street markers for property owners and/or subdividers shall be established by the city council's street committee.

(d) The property owners and/or subdividers can provide street markers on an individual basis or the city can provide street markers by agreement to the individual property owner and/or subdividers who shall then reimburse the city for all labor and materials expended in the construction of required street markers.

(e) All street names must be approved by the city planning commission and the city planning and engineering departments. Block numbers shall be assigned by the city planning department.

(Code 2006, § 15.16.04; Ord. No. 1493, §§ 2, 3; Ord. 09:105, December 15, 2009)