

Chapters 107—109

**RESERVED**



## Chapter 110

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**\*Cross references**—Any ordinance dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-7(a)(10); buildings and building regulations, ch. 18; environment, ch. 38; streets and sidewalks, ch. 62; concurrency management system, ch. 86; floods, ch. 90; natural resource protection, ch. 94; planning and development, ch. 98; stormwater management, ch. 106; vegetation, ch. 114; zoning, ch. 118.

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## ARTICLE I. IN GENERAL

### Sec. 110-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a minor public way open to any traffic and intended for vehicular service access to the back or side of properties otherwise abutting on a street.

*Outparcel* means a separate lot created within a commercial or mixed-use development typically adjacent to a public right-of-way and intended for the development of a single stand-alone structure and use.

*Pedestrian and service easement* means a public way at the back or side of properties otherwise abutting on a street open to general pedestrian use but restricted as to use by automobiles and trucks. Only governmental or public utility automobile vehicles shall be permitted in such easements.

*Private roads* means all roadways, not dedicated to the public use, except driveways defined as roads used for ingress or egress to a single structure.

*Street* means a public way for vehicular traffic.

*Street, arterial*, means a public way, as defined in section 62-26.

*Street, collector*, means a public way, as defined in section 62-26 and described in section 62-27 regarding location of arterial and collector streets.

*Street, minor*, means a public way, as defined in section 62-26, other than an arterial or collector street or alley.

*Subdivision* means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a

subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(Code 1988, § 19-1; Ord. No. 19-32, § 2, 6-27-19)

Cross reference—Definitions generally, § 1-2.

### Sec. 110-2. Private roads.

For purposes of this chapter, private roads are to be treated as minor streets and must comply with all requirements and standards for minor streets set forth in chapter 62, including requirements for pavement width and depth and right-of-way widths.

(Code 1988, § 19-3)

### Sec. 110-3. State certification or county competency card required.

For the purpose of this chapter, no contractor or subcontractor shall do work within the city limits unless such contractor or subcontractor has the appropriate state certification, if doing general contractor or subcontractor work, or a county competency card, if doing underground utility contractor or subcontractor work.

(Code 1988, § 19-4; Ord. No. 06-08, § 2, 3-9-06)

### Sec. 110-4. Contractor's insurance, guarantee; release of liens required.

(a) *Insurance.* Pursuant to this chapter, the contractor shall maintain the proper insurance during the life of his contract, to hold the city free from any and all claims due to the contractor's acts, his agents, assigns or assignees, in no less than the following minimums:

- (1) Workers' compensation insurance.
- (2) Public liability insurance of \$500,000.00.
- (3) Property damage of \$100,000.00.

(b) *Guarantee.* The contractor and property owner shall guarantee all materials, workmanship, and equipment for any improvement dedicated or conveyed to the city, whether in a subdivision or otherwise, for a period of one year from the date of final acceptance by the city. If any such defect or damage due to the materials, workmanship, and equipment is shown within

the one-year period, the contractor or property owner shall replace or repair such at no cost to the city. This guarantee shall be secured by a bond, irrevocable letter of credit, or other guarantee, acceptable by the city in the amount of 20 percent of the contract cost of the improvement dedicated or conveyed to the city.

(c) *Liens.* The city shall not accept any improvements until release of liens is furnished for all labor and materials.

(Code 1988, § 19-5; Ord. No. 06-08, § 3, 3-9-06)

### **Sec. 110-5. Permit for clearing or filling land.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Clearing* means the cutting of trees, the removal or relocation of existing vegetation or other existing site features. Mowing grass or other ground covering on the property or general yard maintenance does not constitute clearing.

*Filling* means adding any sand, soil or other fill to the property for any purpose other than general yard maintenance.

(b) *Permit required.* It shall be unlawful for any person to clear or fill land within the city or cause such to be done by or through any person, agent or otherwise without first obtaining a clearing or filling permit from the city.

(c) *Fees.* All fees for lot clearing not associated with any other development permit shall be established in chapter 88 of this Code.

(d) *Other permits.* The obtaining of a clearing or filling permit from the city shall not be deemed to eliminate the need for any other state or local permit as required by any other governmental entity.

(Code 1988, § 19-6; Ord. No. 98-03, § III, 2-12-98)

### **Sec. 110-6. Creation of undersized lots.**

Wherever a proposed subdivision of a single existing lot into two lots or into one lot with the

remaining property being added to an adjoining lot, and such proposed subdivision would create an undersized lot, no building permit shall be issued for the use of any lot created by or supplemented by the subdivision.

(Code 1988, § 19-7)

### **Sec. 110-7. Combination of contiguous nonconforming lots.**

Whenever a nonconforming lot is contiguous to another lot(s) or parcel(s) of land under common ownership or similar ownership controlled by the same persons or entities, such lot shall be combined with the contiguous lot(s) or parcel(s) and if applicable, reconfigured or replatted, so as to create one or more conforming lots or so as to reduce the extent of the nonconformity of the lot and any structure thereon, but in either case, no remainder lot or parcel shall be left as a nonconforming lot or as a parcel on which any reasonable development is not possible. A combination of two or more contiguous nonconforming lots under common ownership into a single tax parcel identification number for ad valorem tax purposes prior to January 1, 2019, will be treated as a combination of those nonconforming lots into a single lot for zoning and land development regulation purposes and the property owner will be required to submit and obtain approval of an application under this chapter in order to subdivide such lot for development purposes. Conveyances of nonconforming lots determined by the city to be intended to circumvent the provisions of this section will not be recognized for zoning and land development regulation purposes. The city shall have the right to withhold issuance of site and building permits concerning any proposed development unless and until the legal combination, reconfiguration and replatting of lots and parcels required by this section is completed in accordance with the applicable provisions of this chapter. This section is applicable to nonconforming lots regardless of whether such lots are legally or illegally nonconforming to the city's zoning ordinances and land development regulations.

(Ord. No. 19-32, § 3, 6-27-19)

### **Sec. 110-8. Exemption.**

The subdivision of land or lot readjustment solely as the result of the conveyance of land or