

interdepartmental radio advisory committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

- (9) *Nuclear radiation.* No use or activity shall cause radiation at any property line that violates any regulation of the United States Nuclear Regulatory Commission.
- (10) *Nuisance prohibited.* All structures and land uses within the city shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law and by City Code.

ARTICLE 5. SUBDIVISIONS

Sec. 29-5.1. Subdivision standards.

(a) *Applicability.*

- (1) The standards in this article 5 shall apply to land in all districts except the M-DT district whenever land is subdivided or re-subdivided to create, change, or establish the boundaries of parcels for development or redevelopment, unless this chapter provides an exception.
- (2) In the M-DT district, all subdivisions shall comply with the requirements of the regulating plan and other applicable standards in section 29-5.1, including but not limited to requirements for blocks, through connectivity, intersections, terminating streets, alleys, and sidewalks, and shall also comply with the M-DT district recommended street cross-sections in appendix A to the greatest degree practicable. If the requirements of section 29-4.2 conflict with the provisions of this section 29-5.1, the provisions of section 29-4.2 shall apply. If the provisions of section 29-4.2 are silent on a topic addressed by this section 29-5.1, the provisions of this section 29-5.1 shall apply.

(b) *Avoidance of sensitive areas.* Except under approved special safeguards, land shall be neither subdivided nor developed, where there is a finding by the council that a proposed subdivision or development poses a threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions. Portions of the proposed subdivision or development that cannot be developed without damage to sensitive areas shall be set aside for such use as shall not pose an undue hazard to life and property.

(1) *Land analysis map.*

- (i) Each application for subdivision or re-subdivision of a land area of five (5) acres or more, either alone or contiguous with another subdivision by the same applicant, shall prepare and submit a land analysis map identifying sensitive lands to be protected from development. Such map shall be provided at the time of concept review for property proposed to be preliminarily platted regardless of

the parcel size. In preparing such the land analysis map, those areas shown on the future land use map of the city's comprehensive plan as "sensitive" shall be identified as well as other areas which through reasonable investigation should be known to be sensitive areas.

- (ii) The land analysis map shall identify as sensitive lands to be protected from development all of the following:
 - (A) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway that shown as a solid blue or dashed blue line on the corresponding USGS 7.5 minute quadrangle map;
 - (B) Steep slopes, which shall include all land with an average vertical slope of twenty-five (25) percent or more, measured from top-of-slope to foot-of-slope, plus an additional ten (10) feet or additional setback as required by chapter 12A as it relates to stream buffers; and
 - (C) Any lands designated as floodway or lands contained within the FP-O floodplain overlay district.
- (2) *Avoidance of sensitive lands.* The applicant shall lay out the subdivision or re-subdivision so that:
 - (i) To the greatest degree practicable, no lot intended for development includes land designated as sensitive lands on the land analysis map and any if any lot contains sensitive lands, such inclusion shall be supported by written and graphical documentation that avoidance was not possible and inclusion of such features was required to meet other regulatory requirements of this chapter;
 - (ii) If any lot intended for development includes designated sensitive lands, the subdivision plat shall restrict construction of permanent structures to a designated building envelope area on that lot which does not include any designated sensitive land areas. Such sensitive lands shall be permanently protected by designation within a preservation easement; and
 - (iii) Street crossings of sensitive land areas are minimized to the maximum extent practicable.
- (3) *Adjustment of minimum lot sizes.* If the avoidance of sensitive lands designated other than floodways and flood fringe areas results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width in the subdivision by up to fifteen (15) percent in order to include as many lots as would have been possible if sensitive lands were not avoided. No adjustment of minimum lot sizes or widths shall be made for avoidance of floodway or flood fringe areas.
- (c) *Streets.*
 - (1) *Street improvements generally.*
 - (i) Streets, curbs and gutters shall be improved to comply with the standards in this chapter, the adopted city street and storm sewer specifications and design