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Gothenburg, NE Code of Ordinances

CHAPTER 151: SUBDIVISIONS

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GENERAL PROVISIONS**§ 151.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private right-of-way which affords only a secondary means of access to abutting property from a street or road.

ARTERIAL STREET. A street designed or utilized for high vehicular speeds or heavy volumes of traffic.

BLOCK. A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks and the like, or a combination thereof.

CITY COUNCIL. The City Council of Gothenburg, Nebraska.

CITY ENGINEER. The person responsible to perform the duties of the City Engineer as provided for under Neb. RS 17-568, including any and all special engineers as appointed by the City Council pursuant to the statute.

COLLECTOR STREET. A street designed for moderate volumes of traffic between minor streets and arterial streets.

COMPREHENSIVE PLAN. The general plan for the improvement and development of the city as adopted as required by the applicable state statute.

CUL-DE-SAC. A vehicular turnaround which is located at the closed end of a dead-end street or alley.

DESIGN. The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades, and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width, and length.

EASEMENT. A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

FINAL PLAT. A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the county.

FLOOD PLAIN. Those lands within the zoning jurisdiction of the city which are subject to a 1% or greater chance of flooding in any given year. The regulatory flood plain for this chapter shall be based on the official Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Insurance Administration, United States Department of Housing and Urban Development and any revision thereto. Copies of the maps shall be on file in the office of the City Clerk.

IMPROVEMENTS. Street work and utilities that are to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic, drainage needs, and other improvements, as a condition precedent to the approval and acceptance of the final plat.

LOT. A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

MARGINAL ACCESS STREET A minor street which is parallel to and adjacent an arterial street and which serves to reduce the number of access points to the arterial street.

MINOR STREETS. Street which is used primarily for access to properties abutting thereon and which carries relatively small volumes of traffic.

OPEN SPACE. An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear, or side yards.

PEDESTRIAN WAY. Right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PLANNING COMMISSION. The Gothenburg Planning Commission.

SECRETARY. Secretary of the Planning Commission.

SETBACK LINE or **BUILDING LINE.** A line on a plat generally parallel to the street right-of-way, indicating the minimum open space to be provided between buildings or structures and the edge of the street right-of-way.

STREET. A right-of-way, dedicated to the public use, or a private right-of-way which provides principal vehicular and pedestrian access to adjacent properties.

SUBDIVIDER. A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for itself or for others.

SUBDIVISION. The division of a tract 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. The term **SUBDIVISION** includes **RESUBDIVISION**, and the term **RESUBDIVISION**, as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, Art. 3; Ord. 851, passed 8-4-2009, Art. 3)

§ 151.002 TITLE; JURISDICTION.

(A) This chapter may be known and cited and referred to as "Subdivision Regulation Ordinance of the City of Gothenburg, Nebraska."

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 110; Ord. 851, passed 8-4-2009, § 110)

(B) The provisions of this chapter shall apply within the area of planning jurisdiction as defined on

the Official Zoning Map of the city, as the same may be amended by subsequent annexation.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 120; Ord. 851, passed 8-4-2009, § 120)

§ 151.003 PURPOSE.

The purpose and intent of this chapter is to provide for the harmonious development of the community and its environs; to prescribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; and for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreation, light, and air, all in accordance with applicable state statutes.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 130; Ord. 851, passed 8-4-2009, § 130)

§ 151.004 INTERPRETATION AND APPLICATION OF CHAPTER.

(A) (1) Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivisions of the lot, tract, or parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Further, the regulations set forth by this chapter shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this chapter except as hereinafter provided.

(2) Each separate principle use building within the planning jurisdiction of the city shall be situated on a separate and single subdivided lot or record, unless otherwise provided in the zoning regulations for the city.

(3) No subdivision of land shall be permitted within the city planning jurisdiction unless a plat is approved in accordance with provisions of these regulations.

(4) These regulations shall apply not only to subdivision as herein set forth, but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly, or partially.

(5) These regulations shall not apply to subdivision of burial lots in cemeteries.

(6) These regulations shall not apply to a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 140; Ord. 851, passed 8-4-2009, § 140)

(B) In their interpretation and application, the provisions of the chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with other lawfully adopted rules, regulations, chapters, the most restrictive or that imposing the higher standards shall govern.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 150; Ord. 851, passed 8-4-2009, § 150)

ADMINISTRATION

§ 151.015 PLANNING COMMISSION DUTIES.

(A) Review and approve, approve conditionally, or disapprove preliminary and final plats and transmit plats together with appropriate recommendations to the City Council for its action.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 221; Ord. 851, passed 8-4-2009, § 221)

(B) Make other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, and by the applicable sections of the state statutes.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 222; Ord. 851, passed 8-4-2009, § 222)

§ 151.016 SECRETARY OF PLANNING COMMISSION.

(A) Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 211; Ord. 851, passed 8-4-2009, § 211)

(B) File copies of all preliminary and final plats, together with applications and filing fees, with the City Clerk.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 212; Ord. 851, passed 8-4-2009, § 212)

(C) Transmit preliminary and final plats and Planning Commission recommendations to the City Council for its action.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 213; Ord. 851, passed 8-4-2009, § 213)

(D) Send notice of intent to plat to owners of record of unplatted land within 200 feet of property being considered for subdivision or resubdivision.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 214; Ord. 851, passed 8-4-2009, § 214)

§ 151.017 DUTIES OF CITY COUNCIL.

(A) Consider Planning Commission recommendations on preliminary and final plats, and approve, approve conditionally, or disapprove plats.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 221; Ord. 851, passed 8-4-2009, § 221)

(B) Take other actions as required from time to time including the consideration of amendments to

these regulations.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 222; Ord. 851, passed 8-4-2009, § 222)

PLAT REVIEW AND SUBMITTAL REQUIREMENTS

§ 151.030 PRE-APPLICATION PROCEDURE.

(A) *Pre-application conference.* Before filing a preliminary plat, the subdivider shall consult with the Planning Commission and/or the Zoning Administrator for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map showing the relationship of the proposed subdivision to existing community facilities.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 411; Ord. 851, passed 8-4-2009, § 411)

(B) *Notification of requirements.* The Planning Commission and/or the Zoning Administrator shall inform the subdivider of the requirements pertaining to the proposed subdivision as the requirements are established by these regulations.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 412; Ord. 851, passed 8-4-2009, § 412)

(C) *Waiver of fees.* The pre-application procedure does not require formal application, fee, or filing of plat with the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 413; Ord. 851, passed 8-4-2009, § 413)

§ 151.031 PRELIMINARY PLAT PROCEDURE.

(A) *Plat submission requirements.* The subdivider shall submit to the Zoning Administrator five copies of the preliminary plat and supplemental material specified with written application for conditional approval. The complete submission shall occur at least 15 days prior to the regular meeting of the Planning Commission at which the request will be heard.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 421; Ord. 851, passed 8-4-2009, § 421)

(B) *Fees.* A plat review fee, as established by the City Council, shall accompany the application for conditional approval.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 421; Ord. 851, passed 8-4-2009, § 422)

(C) *Scale and preliminary plat contents.* Preliminary plats shall be a scale of one inch to 100 feet, or one inch equals 200 feet, if 75% of the lots are one acre or larger, and shall be prepared with the following information:

- (1) Name, location, acreage, owner and designer of the subdivision;
- (2) Present zoning;

- (3) Date, north point, and graphic scale;
- (4) Location of property lines, roads, existing utilities with the size of lines, and other underground installations and easements;
- (5) Names of adjoining properties or subdivisions;
- (6) Proposed utility system (type, capacity, and the location of major transmission lines and treatment plants);
- (7) Names of new streets;
- (8) Dimensions, lot lines, and building setbacks, except that in industrial-type subdivisions, lot lines may be excluded;
- (9) Contours at intervals of two feet, or five feet intervals at one inch equals 200 feet scale;
- (10) Proposed improvements and grading concepts;
- (11) Location of existing buildings;
- (12) Location of existing trees with trunks at least six inches in diameter, measured two feet above the ground level. Clumps of numerous trees may be identified as tree group without precisely locating each tree;
- (13) Proposed easements, dedications, and reservations of land required shall be provided; and
- (14) Restrictive covenants.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 423; Ord. 851, passed 8-4-2009, § 423)

(D) *Notification of improvements schedule.* The subdivider shall indicate by a letter when improvements as required will be provided.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 424; Ord. 851, passed 8-4-2009, § 424)

(E) *Notification of school board.* At least five days prior to the Planning Commission meetings at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the school board of each school district which the proposed development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 425; Ord. 851, passed 8-4-2009, § 425)

(F) *Planning Commission approval/rejection.* After review of the preliminary plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat within 40 days after the official meeting at which the plat was considered.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 426; Ord. 851, passed 8-4-2009, § 426)

(G) *Recording of action by Planning Commission.* The action of the Planning Commission shall be noted on three copies of the preliminary plat, referenced and attached to the conditions determined. One copy shall be returned to the subdivider, one copy relayed to the City Council, and one copy retained by

the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 427; Ord. 851, passed 8-4-2009, § 427)

(H) *Approval is conditional.* Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed as expression of approval or conditional approval of the submitted plat as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and City Council. Any conditional approval of the preliminary plat shall be effective for a period of one year unless an extension is granted by the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 428; Ord. 851, passed 8-4-2009, § 428)

§ 151.032 FINAL APPROVAL PROCEDURE.

(A) *Plat submission requirements.* Final plats shall be submitted to the Zoning Administrator within one year of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time; provided, however, that the portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one-year submission requirement.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 431; Ord. 851, passed 8-4-2009, § 431)

(B) *Fees.* No fees are required for final plat submission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 432; Ord. 851, passed 8-4-2009, § 432)

(C) *Scale and final plat contents.*

(1) The original and five copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on tracing cloth, mylar, or similar material, and shall be at a scale of one inch to 100 feet or larger.

(2) The final plat shall show the following:

- (a) Date, title, name, and location of subdivision;
- (b) Streets and street names, lots, setback lines, lot numbers, and the like, except that in industrial-type subdivisions, lot designation may be excluded;
- (c) Graphic scale and true north point;
- (d) Monuments;
- (e) Dimensions, angles, and bearings, and complete legal description of the property;
- (f) Sufficient engineering data to reproduce any line on the ground;
- (g) Names of adjoining properties;
- (h) Location, dimensions, and purpose of any easements;

- (i) Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same;
- (j) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted;
- (k) Certification recording the approval by the Planning Commission; and
- (l) Certification recording the approval by the City Council and the acceptance of any dedications.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 433; Ord. 851, passed 8-4-2009, § 433)

(D) *Supplementary data required.* The final plat shall be accompanied by:

(1) Detailed construction plans of all required public improvements, the plans to be approved by the Zoning Administrator and/or City Engineer; and

(2) A certificate by the Zoning Administrator certifying that the subdivider has complied with all provisions of §§ 151.045 through 151.054; or, certifying that all required improvements have been installed in accordance with the approval of the preliminary plat by the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 434; Ord. 851, passed 8-4-2009, § 434)

(E) *Planning Commission recommendations.* The Planning Commission shall approve or reject the final plat and have prepared a recommendation to the City Council recommending approval or rejection. All reasons for recommending or rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or the City Council shall be given to the subdivider within 60 days after submission of the final plat to the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 435; Ord. 851, passed 8-4-2009, § 435)

MINIMUM DESIGN STANDARDS

§ 151.045 GENERAL REQUIREMENTS.

The general requirements and minimum standards of design and development set forth are hereby adopted as the minimum requirements and standards to which a subdivision must conform prior to approval. All subdivision design shall conform to and be in harmony with the comprehensive plan.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 510; Ord. 851, passed 8-4-2009, § 510)

§ 151.046 SUITABILITY OF LAND FOR PROPOSED SUBDIVISION.

(A) If the City Council finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other conditions as may increase the danger to health, life, or property, or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in

the best interest of the public, the land should not be platted and developed for the purpose proposed, the City Council shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

(B) The City Council may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of the services (such as undue maintenance costs for adequate roads).

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 511; Ord. 851, passed 8-4-2009, § 511)

§ 151.047 COMMUNITY ASSET.

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community. The City Council may prepare a list of all features within its area of planning jurisdiction which it deems worthy of preservation.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 512; Ord. 851, passed 8-4-2009, § 512)

§ 151.048 CONFORMANCE WITH ZONING AND OTHER REGULATIONS.

No final plat of land within the area of force and effect of an existing zoning ordinance will be approved unless it conforms with the ordinance. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the zoning chapter, Building Code, or other official regulations, the highest standard shall apply.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 513; Ord. 851, passed 8-4-2009, § 513)

§ 151.049 BLOCK DIMENSIONS.

(A) *Length.* Block length shall not exceed 1,200 feet or be less than 300 feet, except as the City Council considers necessary to secure efficient use of land or desired features of street layout.

(B) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway, or where topographical conditions or the size of the property prevent two tiers of lots, the City Council may approve a single tier of lots of minimum depth.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, §§ 520-522; Ord. 851, passed 8-4-2009, §§ 520—522)

§ 151.050 STREET REGULATIONS.

(A) *Generally.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive development plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by the streets. A copy of Schedule A: Minimum Street Standards is included in Appendix A.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 530; Ord. 851, passed 8-4-2009, § 530)

(B) *Street extensions.* The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the Planning and Zoning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the properties. Where the Planning and Zoning Commission deems it necessary, the dead-end streets shall be provided with a temporary turnaround having a radius of at least 50 feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 531; Ord. 851, passed 8-4-2009, § 531)

(C) *Dedication of right-of-way for new streets.* The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive plan, or, if not shown thereon, shall meet the right-of-way requirements as provided in Appendix A of this chapter. All streets classified as arterial streets by the comprehensive plan shall have all points by access approved by the Planning and Zoning Commission. Marginal access streets may be required by the Planning and Zoning Commission for subdivisions fronting on arterial streets.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 532; Ord. 851, passed 8-4-2009, § 532)

(D) *Dedication of right-of-way for existing streets.* Subdivisions platted along existing streets shall dedicate additional right-of-way width if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is on only one side of an existing street, one-half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one-half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 533; Ord. 851, passed 8-4-2009, § 533)

(E) *Intersection.* Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75 degrees, the Planning and Zoning Commission may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at the street corner shall be rounded or otherwise set back sufficiently to permit the curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within 75 feet of the right-of-way of any street which intersect the arterial street on

the side on which the lot or parcel is located.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 534; Ord. 851, passed 8-4-2009, § 534)

(F) *Horizontal and vertical street curves.* A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves provided in Schedule A of these regulations shall be required. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, the sight distance being measured from a driver's eyes, which are assumed to be four and one-half feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the Planning and Zoning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 535; Ord. 851, passed 8-4-2009, § 535)

(G) *Cul-de-sacs.* Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than 600 feet and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least 50 feet and a radius at the outside of the right-of-way of at least 60 feet.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 536; Ord. 851, passed 8-4-2009, § 536)

(H) *Street names.*

(1) Proposed streets which are in alignment with other already existing and named streets shall bear the names of the existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, land, road, pike, highway, parkway, or similar suffix.

(2) To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning and Zoning Commission prior to the names being assigned or used.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 537; Ord. 851, passed 8-4-2009, § 537)

(I) *Private streets and reserve strips.* There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality or county under conditions approved by the Planning and Zoning Commission as authorized in these regulations.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 538; Ord. 851, passed 8-4-2009, § 538)

§ 151.051 LOT REGULATIONS.

(A) *Relationship to streets.* All lots shall front on a public street or road for a minimum distance of 50 feet, except that lots which front on the turnarounds of permanent dead-end streets shall front on the turnarounds for a minimum distance of 25 feet.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 541; Ord. 851, passed 8-4-2009, § 541)

(B) *Arrangements.* Except where infeasible, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 542; Ord. 851, passed 8-4-2009, § 542)

(C) *Dimension.* The size, shape, and orientation of lots shall be such as the City Council deems appropriate for the type of development and use contemplated. Lot dimensions within the jurisdiction of this chapter shall conform to any requirements of the zoning chapter.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 543; Ord. 851, passed 8-4-2009, § 543)

(D) *Building line setback.* The building line to establish yards for all buildings and lots shall be as provided in the zoning chapter.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 544; Ord. 851, passed 8-4-2009, § 544)

(E) *Corner lots.* Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and the side street.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 545; Ord. 851, passed 8-4-2009, § 545)

(F) *Yard requirements.* Yard requirements for residential, commercial, and industrial subdivisions or the portions thereof within the jurisdiction of the chapter, shall be the same as the yard requirements set forth in the zoning chapter for the zoning district or districts in which they are located.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 546; Ord. 851, passed 8-4-2009, § 546)

(G) *Flood hazards.*

(1) Land subject to flooding, and land deemed to be topographically unsuitable for residential development, shall not be platted for residential use or for any other use which may increase the danger to health, life, or property, or aggravate erosion of flood hazards. The land within the subdivision shall be set aside on the plat for the uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To ensure that lots will be located only where they will provide flood-free house sites, the City Council may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be flood free.

(2) If a stream flows through or adjacent the proposed subdivision, the plat plan shall provide for an easement along the stream for a floodway. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 547; Ord. 851, passed 8-4-2009, § 547)

§ 151.052 UTILITY AND DRAINAGE EASEMENTS.

(A) Except where alleys are permitted for the purpose, the City Council shall require easements at least ten feet in width along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the City Council, similar easements shall be provided along side lot lines or across lots.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 551; Ord. 851, passed 8-4-2009, § 551)

(B) Where the City Council deems it necessary for the proper drainage within or through a subdivision, it shall require that a storm water or drainage easement be provided.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 552; Ord. 851, passed 8-4-2009, § 552)

§ 151.053 PUBLIC OPEN SPACES.

Where a school, neighborhood park, recreation area, or public access to water frontage which is shown on an official map or in a plan for future land use is located in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of the open space within the proposed subdivision for school, park, recreation, or other purposes.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 560; Ord. 851, passed 8-4-2009, § 560)

§ 151.054 SOLAR ACCESS FOR ENERGY CONSERVATION.

(A) In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwelling should be of sufficient width to allow the structure to be built with its longest axis running east-west.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 571; Ord. 851, passed 8-4-2009, § 571)

(B) In order to allow the orientation of structures on the site so as to maximize potential solar gain, side lot lines should run as near to north-south as possible, providing that the angle between the side of the lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than 80 degrees.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 572; Ord. 851, passed 8-4-2009, § 572)

IMPROVEMENTS

§ 151.065 REQUIRED MINIMUM IMPROVEMENTS.

(A) *Required improvements.* The subdivider shall install or provide for the installation of the following improvements.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 610; Ord. 851, passed 8-4-2009, § 610)

(1) *Streets.*

(a) The subdivider shall provide for the installation of pavement and curb and gutter on all streets, except intersections. No grading or other construction shall take place within a street right-of-way until

the construction plans have been examined by the City Engineer and approved by the City Council. All street pavings shall be located in the center of the right-of-way. All street construction shall conform with the specifications of the City Council, and compliance therewith shall be confirmed by the City Engineer prior to release of surety by the City Council.

(b) If the subdivision is not within the corporate limits of the city or in an area designated for annexation, either by the city or at the request of the subdivider, then the City Council may allow the streets to be surfaced with crushed rock with a surface thickness of not less than three inches, or gravel with a surface thickness of not less than four inches.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 611; Ord. 851, passed 8-4-2009, § 611)

(2) *Sidewalks.* Sidewalks shall be installed on both sides of all residential streets upon which houses face. All sidewalks shall be not less than four feet in width of portland cement concrete, and shall comply with the specifications of the City Council. Sidewalks shall be located in the platted right-of-way, one foot from the property line. Walks shall also be installed in any pedestrian easements, as may be required by the City Council. In all residential subdivisions approved by the City Council, after the effective date of this chapter, no building permit shall be issued for a residential structure unless the building permit specification requires the installation of a sidewalk as provided in this division. Provided, however, all lots in a residential subdivision, the final approval for which occurs after the effective date of this chapter, must have sidewalks installed within five years of the action of the City Council approving the final subdivision plat in any event.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 612; Ord. 851, passed 8-4-2009, § 612)

(3) *Storm drainage.* The subdivider shall install culverts, storm sewers, rip-rap slopes and/or stabilized ditches, and these and other improvements shall comply with the minimum standards of the City Council and shall be examined by the City Engineer and approved by the City Council prior to construction.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 613; Ord. 851, passed 8-4-2009, § 613)

(4) *Water distribution.*

(a) Where a public water supply is within 1,320 feet of a proposed subdivision and along an accessible easement or street right-of-way, the subdivider shall install or have installed a system of water mains and connect to the supply. A connection to each lot shall be installed prior to the paving of the street. The City Council may require the installation of water mains, which are in excess of the subdivision design needs, and mutually establish with the subdivider a prorated distribution cost to be shared by the city or other persons and the subdivider.

(b) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of 12,000 square feet. The design of any system shall be subject to the approval of the State Department of Health, or County Health Officer, whichever is applicable. Where it is feasible and practical for an adequate water supply to be made available for every lot, the subdivider shall present evidence to this effect, and include deed restrictions on the final plat requiring any individual water supply system to comply with the requirements of the State Department of Health.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 614; Ord. 851, passed 8-4-2009, § 614)

(5) *Sanitary sewage disposal.*

(a) Where a public sanitary sewer is within 1,320 feet of the subdivision and along an accessible easement or street right-of-way, the subdivider shall connect with the sewer and provide a connection to each lot. The sanitary sewerage system shall be installed prior to the installation of the street pavement. The City Council may require the installation of sanitary sewer lines which are in excess of the subdivision design needs, and mutually establish with the subdivider a prorated distribution cost to be shared by the city or other persons and the subdivider.

(b) Where a public sanitary sewer is not accessible, each lot in the subdivision shall be serviced by either a disposal plant system or a septic tank with proper provision for the maintenance thereof. Any lot so serviced shall have a minimum area of 12,000 square feet. The design and location of either system shall be subject to the approval of the State Department of Health or County Health Officer, whichever is applicable. Where it is feasible and practical for an adequate sewerage disposal system to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any individual sewerage disposal system to comply with the requirements of the State Department of Health and/or State Department of Environmental Quality.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 615; Ord. 851, passed 8-4-2009, § 615)

(6) *Fire hydrants.* Fire hydrants shall be placed so that no lot in a residential subdivision is more than 600 feet from two fire hydrants, the distance to be measured along street lines, provided water mains are available. The City Council may require special spacing in commercial and industrial districts.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 616; Ord. 851, passed 8-4-2009, § 616)

(7) *Other utilities.* All telephone, cable television lines, electrical services, and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5KV and above), electrical substations and other facilities as the utility may deem necessary to install utilizing overhead-type construction.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 617; Ord. 851, passed 8-4-2009, § 617)

(8) *Street signs.* The city shall install street signs at all intersections within a subdivision, the cost of which shall be paid for by the subdivider.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 618; Ord. 851, passed 8-4-2009, § 618)

(9) *Permanent monuments.*

(a) All subdivision boundary corners, point of curvature, angles, and intersection of street center lines shall be marked with permanent monuments, subject to approval by the City Engineer. Monuments shall be of concrete at least four inches in diameter or square, three feet long, with a flat top. The top of the monument shall have an indented cross or metal pin to identify properly the location of the point, and shall be set flush with the finished grade.

(b) All lot corners shall be marked with metal pins not less than one-half inch in diameter and two feet long and driven so as to be flush with the finished grade. Installation of monuments and pins shall be certified by a surveyor.

(c) Where circumstances prohibit the installation of monuments or pins at the time of filing the final plat, a written certification by the subdivider shall be included on the plat stating that no lot will be sold until the monuments or pins are placed by a surveyor. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 619; Ord. 851, passed 8-4-2009, § 619)

(10) *Street lights.* Street lights shall be installed.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 620; Ord. 851, passed 8-4-2009, § 620)

(11) *Erosion control.* The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by construction temporary terraces on slopes, temporary silting basins, sod swales and to prevent erosion and damage to adjacent properties from surface drainage as approved by the Zoning Administrator and the Planning Commission.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 621; Ord. 851, passed 8-4-2009, § 621)

(B) *Other improvements.* The City Council may require the installation of other recommended improvements, constructed in accordance with standards and specifications as approved and adopted by the City Council.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 622; Ord. 851, passed 8-4-2009, § 622)

§ 151.066 EXCEPTIONS FOR EXISTING IMPROVEMENTS.

(A) Where proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where the improvements meet the requirements of this chapter and are in good condition as determined by the City Council upon its consideration of the opinion of the City Engineer, the subdivider shall provide for the repair, correction, or replacement of the improvements as determined by the City Council upon its consideration of the opinion of the City Engineer.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 631; Ord. 851, passed 8-4-2009, § 631)

(B) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the City Council, and the subdivider of the proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Council. The City Council shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are the smaller width at the boundary of the proposed subdivision. The City Council may reduce the minimum roadway system if the extension of the roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two blocks or less in length. Lanes to be painted on the widened streets designating driving and parking areas may also be required by the City Council. The foregoing provisions requiring the widening of pavement may be waived by the City Council when the length of the pavement is less than one block.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 632; Ord. 851, passed 8-4-2009, § 632)

§ 151.067 GUARANTEES FOR SUBDIVISION IMPROVEMENTS.

(A) Completion of improvements.

(1) Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the Planning Commission and the Zoning Administrator, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Planning Commission, and shall dedicate same to the city in accordance with division (H) of this section. Final plat approval shall not be granted until the dedication of the improvements has been accepted by the city.

(2) In lieu of requiring the completion of all improvements prior to final plat approval, the city may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this chapter or otherwise specified by the Planning Commission in a manner satisfactory to the Planning Commission. To secure this contract, the subdivider shall provide, subject to the approval of the Planning Commission, one of the guarantees provided in divisions (B) through (E) of this section.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 641; Ord. 851, passed 8-4-2009, § 641)

(B) Surety performance bond. The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the state. The bond shall be payable to the city and shall be in an amount to cover the entire cost, as estimated by the subdivider and approved by the Zoning Administrator, of installing all contract improvements. The duration of the bond shall be until the time the improvements are accepted by the city in accordance with this section.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 642; Ord. 851, passed 8-4-2009, § 642)

(C) Escrow account.

(1) The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost, as estimated by the subdivider and approved by the Zoning Administrator, of installing all required improvements.

(2) In the case of an escrow account, the subdivider shall file with the Planning Commission an agreement between the financial bank and himself or herself guaranteeing the following:

(a) The funds of the escrow account shall be held in trust until released by the Planning Commission, and may not be used or pledged by the subdivider as security in any other matter during that period; and

(c) In the case of a failure on the part of the subdivider to complete the improvements, then the bank shall immediately make the funds in the account available to the city for use in the completion of those improvements.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 643; Ord. 851, passed 8-4-2009, § 643)

(D) *Sequential approval of subdivision segments without guarantee.* Where a subdivision is to be developed in several sections, the Planning Commission may, at its discretion, waive the use of a guarantee on the initial sections, provided that the sections may not be larger than 25 lots, or 50% of the total number of lots in the subdivision, whichever is less. The Planning Commission shall grant final plat approval for each succeeding section being contingent upon completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with this subchapter. Completion of improvements in the final section of the subdivision, which shall include at least 25 lots, or 50% of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under this section.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 644; Ord. 851, passed 8-4-2009, § 644)

(E) *Special assessment.* The city may, at its discretion, enter into an agreement with the subdivider to pay the cost of the required improvements through the use of a special assessment. The city shall make the arrangements for actual construction and interim financing at it deems appropriate, providing that construction of improvements in any section of the subdivision shall be completed in a time period of not longer than would be allowed if another form of improvement guarantee were used.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 645; Ord. 851, passed 8-4-2009, § 645)

(F) *Time limits.* Prior to the granting of final plat approval, the subdivider and the Planning Commission shall agree upon a deadline for the completion of all required improvements, the deadline not to exceed two years from the date of final plan approval. The Planning Commission shall have the power to extend that deadline for one additional year where the subdivider can present substantial reason for doing so.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 646; Ord. 851, passed 8-4-2009, § 646)

(G) *Failure to complete improvements.* If any portion of the required improvements shall fail to be accepted for dedication in compliance with this subchapter within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the Planning Commission shall take one of the following actions:

(1) Where improvements have been guaranteed under division (B) of this section, preliminary plat approval shall be revoked; or

(2) Where improvements have been guaranteed under division (C) of this section, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeit. Where the Planning Commission is not already in possession of the guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of the improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 647; Ord. 851, passed 8-4-2009, § 647)

(H) *Inspection and certification.*

(1) The Zoning Administrator, or other knowledgeable official as specified by the City Council, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the Zoning Administrator shall file with the Planning Commission a statement

either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements. Upon completion of the improvements, the subdivider shall file with the Planning Commission a statement stipulating the following:

- (a) All required improvements are complete;
- (b) These improvements are in compliance with the minimum standards specified by the Planning Commission for their construction;
- (c) The subdivider knows of no defects from any cause in those improvements; and
- (d) These improvements are free and clear of any encumbrance or lien.

(2) If the Zoning Administrator has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the city shall accept the dedication of those improvements. The city may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 648; Ord. 851, passed 8-4-2009, § 648)

(I) *Reduction of guarantee.* In those cases where improvements guarantees have been made under division (C) of this section, the amount of the guarantee may be reduced upon acceptance, in compliance with division (D), of the dedication of portion of the required improvements.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 649; Ord. 851, passed 8-4-2009, § 649)

(J) *Release of guarantee.* Upon acceptance, in accordance with division (H), of the dedication of the final portion of improvements, the city shall authorize the release of the remaining portion of the improvement guarantee.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 650; Ord. 851, passed 8-4-2009, § 650)

§ 151.068 OPERATION AND MAINTENANCE.

It is the intention of the city to provide no services other than planning and zoning administration to its area of planning and zoning jurisdiction beyond the corporate boundaries of the city. Therefore, it will be the obligation of the subdivider to present the Planning Commission and City Council a precise approach for the provision of these services. The approach may include the formation of districts, homeowners organization, or other methods to operate and provide for long term maintenance and service. The approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is accepted by the City Attorney.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 660; Ord. 851, passed 8-4-2009, § 660)

ADMINISTRATIVE SUBDIVISION

§ 151.080 DEFINITION.

(A) The administrative subdivision procedure shall be available to make minor adjustments to previously platted lots. It shall not be used in any manner that substitutes for or circumvents compliance with subdivision laws or regulations. An administrative subdivision may consist of dividing one lot into two or more parts, combining two or more lots (or parts of lots) into one parcel, or a combination thereof. Transactions or conveyances classified as administrative subdivision are hereby deemed not to constitute "subdivision development."

(B) For the purposes of this subchapter, the subdivider may apply for subdivision approval as an administrative subdivision if the following conditions are met:

(1) The administrative subdivision does not contain more than three lots, except as provided for in division (B)(6) below;

(2) The administrative subdivision fronts on an existing city street, does not involve any new street, road or easement, or the extension of municipal facilities, or the creation of any public improvements;

(3) The administrative subdivision would not require the vacation or dedication of any easements;

(4) The administrative subdivision does not adversely affect the remainder of the parcel or adjoining property;

(5) The administrative subdivision is not in conflict with any provisions of the comprehensive plan, zoning regulations, or these regulations; and

(6) The administrative subdivision may contain more than three lots with the agreement of the Zoning Administrator, City Engineer, and City Administrator.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 710; Ord. 851, passed 8-4-2009, § 710)

§ 151.081 ADMINISTRATIVE APPROVAL.

(A) The City Administrator or designee shall have the right to approve administrative subdivision plats as defined herein at § 151.080.

(B) The City Administrator or designee may approve an administrative subdivision plat if the following conditions are met:

(1) In the opinion of the Zoning Administrator, City Engineer, and City Administrator, the administrative subdivision would not require the dedication of additional public right-of way;

(2) The proposed subdivision has not been previously denied by the City Council;

(3) A separate site plan has been prepared under supervision of, and certified by, a registered state land surveyor. The site plan shall be a survey of the lots to be subdivided and abutting lots. It shall show all lots, blocks, streets, alleys, structures, building setbacks, city sanitary sewer, city water, street paving, easements, location map, north arrow, scale, date, legal description, and the like, in addition to the administrative subdivision plat.

(4) The administrative subdivision plat shall show all lots, blocks, streets, alleys, easements, certificates, location map, north arrow, scale, date, legal description, and the like; and

(5) All new lots shall continue to be described in terms of the pre-existing lot description.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 720; Ord. 851, passed 8-4-2009, § 720)

§ 151.082 APPLICATION FOR AN ADMINISTRATIVE SUBDIVISION.

(A) An application for approval of an administrative subdivision shall be submitted to the Planning Department.

(B) The following shall be submitted with the application.

(1) Application, copy of deed, title report, site plan, administrative subdivision plat and fees. Fees will be based on the city fee schedule.

(2) Five prints of the site survey plat and one print of the administrative subdivision plat. After city departments review, changes shall be shown on the plats, and one corrected site survey and one administrative subdivision will need to be resubmitted.

(3) One final plat after all changes have been made shall be submitted for filing.

(4) The City Administrator or designee shall approve or disapprove the plat. In the event of disapproval, the City Planner shall give the applicant a written statement of reasons for the disapproval.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 730; Ord. 851, passed 8-4-2009, § 730)

§ 151.083 ADMINISTRATIVE CERTIFICATE APPROVAL.

(A) Certificates described in divisions (B) through (D) below may be placed on a separate document and signed by the appropriate individuals and attached to the final plat for filing, or placed on the final plat. Certificates described in divisions (E) through (G) below shall be placed on the final plat and signed by the appropriate individuals.

(B) A certificate signed by the County Treasurer and/or the City Treasurer that all property taxes and special assessments on the property are paid in full. Any special assessments not paid in full shall have a statement attached showing the apportioning of any installments against the newly proposed lots.

(C) Certificate signed and acknowledged by all property owners having any record title or other interest in the land subdivided, and consenting to the preparation and recording of the plat.

(D) Acknowledgment of a notary public, acknowledging the signatures of all owners.

(E) Certificate signed by the registered state land surveyor preparing the administrative subdivision that the plat as presented complies with the requirements of the administrative subdivisions.

(F) Certificate signed by the City Administrator or designee certifying that the administrative subdivision has been reviewed by the City Administrator and is in compliance with the city subdivision

regulations.

(G) Certificate signed by the Register of Deeds shall be placed on the final plat or shall be stamped at the deeds office.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 740; Ord. 851, passed 8-4-2009, § 740)

§ 151.084 REVIEW AND ACTION BY PLANNING COMMISSION AND CITY COUNCIL.

If the plat does not qualify for administrative approval or has been disapproved by the City Administrator or designee, the application may be processed by the city as a regular subdivision plat and may be approved or denied by the City Planning Commission and City Council.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 750; Ord. 851, passed 8-4-2009, § 750)

§ 151.085 APPROVAL OF PLAT FILING.

The final plat shall be submitted to the Planning Department after all approvals. The planning staff will have all certificates signed by the appropriate individuals and taken to the Register of Deeds for filing, or may require the applicant to obtain any or all signatures.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 760; Ord. 851, passed 8-4-2009, § 760)

VARIANCES AND WAIVERS

§ 151.100 CONDITIONS FOR GRANTING VARIANCE.

The Planning Commission may recommend, and the City Council may grant, variances from the provisions of these regulations, but only after determining that:

- (A) There are unique circumstances or conditions affecting the property;
- (B) The variance is necessary for the reasonable and acceptable development of the property in question; and
- (C) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 810; Ord. 851, passed 8-4-2009, § 810)

§ 151.101 RECORDING OF PLAT REQUIRED.

In no case shall the requirement of filing and recording a plat for subdivision be waived.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 820; Ord. 851, passed 8-4-2009, § 820)

§ 151.102 SMALL SUBDIVISION WAIVER.

(A) The subdivider may make application for and the Planning Commission may grant a waiver of some or all of the requirements provided in §§ 151.045 through 151.054, and §§ 151.065 through 151.068 for small residential subdivisions where the following conditions exist:

- (1) The subdivision contains no more than five lots;
- (2) All lots of the proposed subdivision shall be platted on existing streets;
- (3) Street surfaces of all streets serving the subdivision shall meet or exceed street surface standards of the city;
- (4) Public water, sanitary sewer, and storm sewer facilities are available to all lots in the subdivisions; and
- (5) The development of the subdivision will not increase erosion or flooding potential.

(B) (1) A subdivider requesting a waiver under the provisions of this section shall submit the request in writing to the Planning Commission prior to submission of the preliminary plat.

(2) The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to the section numbers and descriptive catch-heads which appear in these regulations.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 830; Ord. 851, passed 8-4-2009, § 830)

ANNEXATION

§ 151.115 ADJOINING AND CONTIGUOUS PROPERTIES.

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the city for all purposes whatsoever, upon approval of and acceptance by resolution of the City Council.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 910; Ord. 851, passed 8-4-2009, § 910)

§ 151.116 PETITION FOR ANNEXATION.

(A) Any subdivision in which there are lands dedicated to the city or any subdivision serviced by public utilities shall be annexed to the city.

(B) Before approval for the final plat is given, the City Council shall receive a petition for annexation from the owners of the subdivided properties.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 920; Ord. 851, passed 8-4-2009, § 920)

§ 151.117 ADOPTION OF RESOLUTION AND PLAN.

(A) The City Council desiring to annex land under the authority of this section shall first adopt both a resolution stating that the city is considering the annexation of the land, and a plan for extending city services to the land. The resolution shall state:

- (1) The time, date, and location of the public hearing required in division (C) below;
- (2) A description of the boundaries of the land proposed for annexation; and

(3) The plan of the city for extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

(B) The plan adopted by the City Council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending city services to the land proposed for annexation. The plan shall:

- (1) State the estimated cost impact of providing the services to the land;
- (2) State the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained;

(3) Include a timetable for extending service to the land proposed for annexation; and

(4) Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land-use pattern of the land proposed for annexation.

(C) A public hearing on the proposed annexation shall be held within 60 days following the adoption of the resolution to allow the City Council to receive testimony from interested persons. The City Council may recess the hearing, for good cause, to a time and date specified at the hearing.

(D) A copy of the resolution providing for the public hearing shall be published in the official newspaper in the city at least once and not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail, following its passage, to the school board of any school district in the land proposed for annexation.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 930; Ord. 851, passed 8-4-2009, § 930)

ENFORCEMENT

§ 151.130 ENFORCEMENT OF PROVISIONS.

(A) No plat or plan of a subdivision of land located within the jurisdiction of this chapter shall be

admitted to the records of the county until the plat has received final approval in writing by the City Council as provided in Neb. RS 17-415 through 17-426, 17-1002 and 17-1003, and 19-919, as amended.

(B) No board, public officer, or authority shall accept, lay out, improve, or authorize utilities to be laid in any street within the territory for which the City Council has adopted a comprehensive plan, unless the street has received the legal status of a public street prior to the adoption of the comprehensive plan, or unless the street is shown on a subdivision plat or a street plat which has been approved by the City Council.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 1010; Ord. 851, passed 8-4-2009, § 1010)

AMENDMENTS

§ 151.145 AMENDMENTS.

Any provisions of this chapter from time to time may be amended, supplemented, changed, modified, or repealed by the City Council, according to law; provided, however, that the amendments, supplements, changes, modifications, or repealed provisions shall not become effective until after study and report by the Planning Commission.

(Ord. 851, passed 8-4-2009, § 1110)

§ 151.999 PENALTY.

Pursuant to Neb. RS 17-426, as amended, any person who shall dispose of, or offer for sale or lease, any lots in the city, or addition to the city, until plat thereof has been duly acknowledged and recorded as provided in Neb. RS 17-416, as amended, shall forfeit and pay \$50 for each lot and part of lot sold or disposed of, leased, or offered for sale.

(Ord. 628, passed 7-11-1995; Ord. 816, passed 6-19-2007, § 1020; Ord. 851, passed 8-4-2009, § 1020)

APPENDIX A: MINIMUM STREET STANDARDS

	<i>Minimum Right-of-way (ft)</i>	<i>Surface Width (ft)</i>	<i>Number of Traffic Lanes</i>	<i>Minimum Number of Parking Lanes</i>	<i>Maximum Grade %</i>	<i>Minimum Spacing Intersection with Arterial Street (ft)</i>
Arterial Street	60	44 ⁽¹⁾	2	2	7	
Collector Street	50	33 ⁽¹⁾	2	2	7	300

Local Street	50	33 (1)	2	2	7	300
Cul-de-sac and Loop	60	44(1)	2	2	10	None allowed
(1) Add greater width if parking and/or turning lanes are to be provided:						
Minimum turning lane = 10 feet						
Minimum parking lane = 8 feet						

(Ord. 851, passed 8-4-2009, App. A)