

ALMA NEBRASKA

Subdivision Regulations 2019

Originally Adopted

May 6, 2019

ARTICLE 1 - GENERAL PROVISIONS

SECTION 101 TITLE

This ordinance may be known and may be cited and referred to as “Subdivision Regulation Ordinance of the City of Alma, Nebraska” to the same effect as if the full title were stated.

SECTION 102 APPLICATION

These regulations shall apply to all land located within the corporate limits of the City of Alma, Nebraska and within the one (1) mile planning and zoning jurisdiction area of the City, as indicated on the Official Zoning Map of the City of Alma, Nebraska, as same may be amended from time to time.

SECTION 103 PURPOSE

The purpose and intent of these regulations is:

- A. To establish uniform rules, procedures and standards governing the subdivision of land,
- B. To assure the public that necessary public facilities will be provided in any subdivision in an amount and size commensurate with the size of the subdivision and the uses which will occur in the subdivision,
- C. To secure suitable sites for building purposes and protect the property values thereof,
- D. To provide the public with assurance that all subdivisions will be improved in accordance with established public policy,
- E. To coordinate land development with the Comprehensive Plan in the laying out of public ways, places, structures, utilities and services,
- F. To supply proper land records for the convenience of the public and for appropriate identification and permanent location of real estate boundaries, all in accordance with applicable statutes.

ARTICLE 2 - APPLICATION

SECTION 201 APPLICATION AND AUTHORITY

The requirements of this Ordinance shall be applied to any and all divisions of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of ownership or building development, including the re-subdivision of land or lots, except that the division of land in which the smallest parcel created or remaining is more than ten (10) acres, such division shall not be considered a subdivision and the provisions of this Ordinance shall not apply to the subdivision of burial lots in cemeteries. Further, the regulations set forth in this Ordinance shall apply as follows:

- A. Each separate principal use / building within the jurisdiction of this Ordinance shall be situated on a single and separate lot of record unless otherwise provided in the Zoning Ordinance of the City of Alma, Nebraska.
- B. No subdivision of land shall be permitted within the jurisdiction of this Ordinance unless a plat of such subdivision is approved in accordance with the provisions of this Ordinance. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision and no building may be erected in a subdivision unless a final plat has been approved by the Planning Commission and City Council and recorded in the Office of Harlan County Register of Deeds.
- D. No officer, employee, or agent of the City of Alma, Nebraska shall issue a zoning permit or make any water or sewer connection for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of this Ordinance. No officer, employee or agent of the City shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat, unless such plat shall have been approved as provided for in this Ordinance. These prohibitions shall not apply to any plat of dedication legally recorded prior to the enactment of this Ordinance.
- E. No excavation of land or construction of any public or private improvements which require a zoning or other permit shall take place or be commenced on any parcel of land which was created by subdivision after the effective date of this Ordinance except in conformity with the requirements and regulations of this Ordinance.

SECTION 202 INTERPRETATION

Under the authority to regulate the subdivision of land set as forth in Neb. Rev. Stat. §19-916 and in their interpretation and application, the provisions of this Ordinance shall:

- A. be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of the Ordinance are at variance with any other lawfully adopted rules, regulations, ordinances, the most restrictive or that imposing the higher standards shall govern.
- B. not be intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of this Ordinance shall apply.

SECTION 203 VACATION OF PLATS

Any plat or any part of a plat of a subdivision may be vacated in accordance with the following:

- A. Any plat or any part of plat may be vacated by the owner(s) of record of the property affected, at any time prior to the sale of any lot therein, by a written instrument, duly executed, acknowledged and approved, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such written instrument for vacation of a plat shall be reviewed by the Planning Commission and referred for action by the City Council in the same manner as subdivision plat approvals. The City Council may reject any such plat vacation instrument which abridges or destroys any public rights-of-way in any of its public uses, improvements, streets or alleys.
- C. Such written instrument, when executed, acknowledged and approved, shall be recorded in like manner as plats of subdivisions and being duly recorded shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public right in the streets, alleys, and public grounds laid out or described in such plat being vacated.
- D. In cases where any lots have been sold, the plat may be vacated, as herein provided, only by all owners of the lots in such plat joining in the execution of the written instrument and only if such vacation will not result in a defacto subdivision of land where a re-plat of the land is needed and required by this Ordinance.

SECTION 204 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at effective date of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as shall be expressly provided for in these regulations.

ARTICLE 3 - RULES AND DEFINITIONS

SECTION 301 INTERPRETATION

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted according to the rules and definitions set forth in this Article, except when the context clearly indicates otherwise.

SECTION 302 RULES

- A. The word person includes firm, association, corporation, organization, partnership, trust, company, as well as the individual.
- B. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- C. The words “shall” and “will” are mandatory while the word “may” is permissive.
- D. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
- E. The word “lot” includes the words plot or parcel.

SECTION 303 DEFINITIONS

- 303.01 Alley:** a public way, which affords only a secondary means of vehicular access to the back or side of property otherwise abutting a street.
- 303.02 Block:** an area of land bounded by streets, railroad rights-of-way, waterways, parks, undeveloped land, or a combination thereof.
- 303.03 Bond:** any form of security, including cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.
- 303.04 Building Setback Line:** lines with a lot which run parallel to the front, side and rear lot lines and set back from said lot lines a distance as prescribed by the applicable zoning regulations, thus delineating the buildable lot area.
- 303.05 Commission:** The Planning Commission of Alma, Nebraska.
- 303.06 Common Open Space:** an area of land or water or combination thereof, planned for passive or active recreation use, which does not include areas for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front yards. Such area may include recreational facilities such as swimming pools, tennis courts and other such outdoor recreational facilities.
- 303.07 Common Sewer System:** a sanitary sewerage system in public ownership, which provides for the collection and treatment of domestic and other effluent in one or more centralized treatment plants and which meet the minimum requirements of the Nebraska Departments of Environmental Quality, Health or other agency having jurisdiction.
- 303.08 Common Water System:** a publicly owned water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis
- 303.09 Comprehensive Plan:** The Comprehensive Plan of the City of Alma, Nebraska, adopted by the City Council, as a guide for the development and improvement of the City.
- 303.10 Covenant:** a binding agreement made between a sub divider of land and the purchaser(s) of such subdivided land to do or keep from doing specified things.
- 303.11 Cul-de-sac:** a vehicular turnaround area which is located at the closed end of dead-end street or alley.

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- 303.12 Culvert:** a transverse drain that channels water under a street, driveway or other improvement.
- 303.13 Density:** the number of lots per gross acre of land area in a subdivision computed by dividing the gross acreage of the subdivision into the total number of lots in the subdivision.
- 303.14 Easement:** a grant by the property owner for the use of a strip of land for a specific purpose by a specific person, a public utility or the general public.
- 303.15 Engineer:** any person registered to practice professional civil engineering by the State of Nebraska.
- 303.16 Final Plat:** a map, prepared in accordance with the provisions of this Ordinance, indicating the subdivision of land, which is intended to be recorded for public record in the Register of Deeds of Harlan County, Nebraska.
- 303.17 Flood Plain:** those lands within the jurisdiction of this Ordinance which are subject to a one percent (1%) or greater chance of flooding in any given year, as determined on an Official Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Insurance Administration, U.S. Department of Housing and Urban Development and any revisions thereto or, if no such maps are available, as determined by the Nebraska Department of Natural Resources.
- 303.18 Frontage:** the length of any lot, tract or parcel which abuts a street, measured along the dividing line between the street and the lot, tract or parcel. A lot, tract or parcel which abuts more than one street shall have two (2) or more frontages.
- 303.19 Full Control of Access:** the condition where vehicular access to an arterial street or roadway, including its location, is fully controlled in connection with streets to give preference to through traffic by providing access connections to such arterial street or roadway only from selected streets and by prohibiting crossing at grade and direct driveway connections to such arterial street or roadway.
- 303.20 Governing Body:** The City Council of the City of Alma, Nebraska.
- 303.21 Improvements:** street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage structures, utility lines, landscaping, grading and other facilities and changes normally associated with the development of land for building sites.
- 303.22 Land Area:** the entire area within a subdivision including lots, open space, and streets and alleys. Where streets and alleys occur on the perimeter of a subdivision the land area shall include the land area to the centerline of such perimeter streets or alleys.
- 303.23 Lot:** a parcel of land identified and intended as a unit of transfer of ownership or development.
- 303.24 Lot Area:** the horizontal area of a lot computed exclusive of any portion of a street or alley.
- 303.25 Lot Depth:** the distance between the front lot line and the rear lot line. For irregular shaped lots, the depth shall be the distance from the front lot line and the rear lot line between the midpoints of straight lines connecting the front-most and rear-most points of the side lot lines.
- 303.26 Lot of Record:** a tract or land described as in integral portion of a subdivision plat or a parcel of land described by metes and bounds which has been properly and legally recorded in the Office of the Register of Deeds of Harlan County, Nebraska.
- 303.27 Major Street Plan:** a written component of the duly adopted Comprehensive Plan which indicates and delineates the classification of existing and proposed streets or roads within the jurisdiction of this Ordinance.
- 303.28 Marginal Access Street:** a minor street which run parallel and adjacent to an arterial street and which serves to limit and control the number of vehicular access points to such arterial street. A marginal access street is commonly referred to as a frontage road.

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- 303.29 Monument:** permanent concrete or iron marker used to establish definitely all corners and lines of the plat of a subdivision on the ground, including all lot corners, boundary lines, corners, and points of change in street alignment.
- 303.30 Off-site:** any premises not located within the property being subdivided, whether or not such premises is in the same ownership and control as the subdivision.
- 303.31 Out Lot:** a parcel of land shown on a subdivision plat outside of the boundaries of the land which is being subdivided and which is to be excluded from the subdivision.
- 303.32 Owner:** Any person, group of persons, firm or firms, corporation or corporations or any legal entity having legal title to or sufficient proprietary interest in the land proposed to be subdivided.
- 303.33 Partial Control of Access:** The condition where vehicular access including its location is partially controlled in connection with arterial streets or roadways to give preference to through traffic on such arterial streets or roadways to a degree that in addition to selected streets, there may be permitted some crossings of such arterial streets or roadways at grade and some direct driveway connections, with the design and location approved by public authority, including the City Council.
- 303.34 Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets or properties.
- 303.35 Preliminary Plat:** a map and supporting information prepared in accordance with the requirements of this Ordinance, indicating a tentative subdivision of land, intended for guidance in the preparation of a final plat.
- 303.36 Private Street:** an approved privately-owned open and unoccupied space, other than a street or alley dedicated to the public, which is reserved as the principal means of vehicular access to abutting property.
- 303.37 Public Improvements:** any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaping, parking area, lot improvement, utility line, or other facility for which the local government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local government responsibility is established.
- 303.38 Public Way:** an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road sidewalk, street, tunnel, viaduct, overpass or other ways in which the general public or a public entity has a right or which is dedicated for public use, whether improved on not.
- 303.39 Re-subdivision:** a change in the plat of an approved or recorded subdivision if such change affects any street layout, area reserved for public use, easement, or any lot line or if it affects any plat legally recorded prior to the effective date of this Ordinance.
- 303.39 Right-of-Way:** a strip of land used or intended to be used for pedestrian, vehicular, and utility line circulation and access for the general public. Said strip of land is that total area between the boundary lines of the street, alley or easement which is not reserved for the exclusive right of any individual property owner.
- 303.41 Sale or Lease:** any immediate or future transfer of ownership or any possessory interest in land, including contract for sale, lease, devise, intestate succession, or transfer of any interest in a subdivision or part thereof, whether by metes and bounds description, deed, contract, plat, map, lease device, intestate succession or other written means.
- 303.42 Screen Planting / Buffer Strip:** an area of land devoted to fences, walls, hedges, shrubs, trees, grass and other landscape materials for the purpose of obstructing view, absorbing sound and providing desirable delineation of property.

303.43 Street: a right-of-way, dedicated to public use, or a private roadway, which provides the principal means of vehicular access to abutting property. Streets shall be classified in accordance with the City's Major Street Plan and shall include:

- A. Local (Minor) Street:** a street which is used primarily for access to properties abutting on such street and which carries relatively small volumes of vehicular traffic.
- B. Collector Street:** a street designed to accept vehicular traffic from local streets and link such traffic to employment centers, public facilities and other points of attraction and to link such traffic with arterial streets or roads. Collector streets may also provide access to properties abutting such streets and carry higher volumes of traffic than do local streets.
- C. Arterial Street:** a street designed to accept traffic from local and arterial streets and transport such traffic at higher volumes and higher speeds into, through or out of a community or county.

303.44 Sub divider: The owner or owners of land, legal and equitable, who causes land to be divided into a subdivision.

303.45 Subdivision: the division of a lot, tract or parcel of land into two (2) or more lots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development, including the re-subdivision of land or lots and the lease of any land for building development, except that the division of land in which the smallest parcel created or remaining is more than ten (10) acres, such division shall not be considered a subdivision and the provisions of this Ordinance shall not apply and the provisions of this Ordinance shall not apply to the subdivision of burial lots in cemeteries. For purposes of this definition and to classify the types of subdivisions with regard to the review and approval processes established in this Ordinance, the following sub-definitions shall apply:

Major Subdivision: any subdivision not classified herein as a minor or administrative subdivision.

Minor Subdivision: Any subdivision of land which contains three (3) or fewer lots all fronting on an existing improved (paved) street or contains not more than two (2) lots all fronting on an existing unimproved (unpaved) street, which does not involve any new street, the need for extension of public water and / or sewer utilities as determined by the requirements of this Ordinance or creation of the need for other public improvements, which will not adversely affect the remainder of the parcel from which is it being subdivided or adjoining property and which is not in conflict with any provision of the Comprehensive Plan, the City's Major Street Plan or the zoning regulations of the City or any other applicable section of this Ordinance.

Administrative Subdivision: any further subdivision of existing lots or blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the provisions of the Major Street Plan, the Comprehensive Plan, the Zoning Ordinance or these regulations.

303.46 Surveyor: any person registered to practice land surveying in the State of Nebraska.

ARTICLE 4 - AUTHORITIES AND DUTIES

SECTION 401 AUTHORITIES AND DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall have the following duties and responsibilities with regard to this Ordinance:

- A. Review and recommend approval, denial or conditional approval of preliminary and final plats and transmit preliminary and final plats together with appropriate recommendations to the City Council for action.
- B. Make other determinations and decisions as may be required of the Planning Commission from time to time by this Ordinance, and by the applicable sections of the Nebraska Statutes related to subdivision of land.
- C. Make recommendations to the City Council regarding exceptions and variances to the terms of this Ordinance relative to approval of particular subdivisions.
- D. Consider and recommend amendments to this Ordinance to the City Council.

SECTION 402 AUTHORITIES AND DUTIES OF THE SECRETARY OF THE PLANNING COMMISSION

The Secretary of the Planning Commission shall have the following duties with regard to this Ordinance, provided that all or part of the duties herein listed may be assigned and performed by other City Officials including the Zoning Administrator or City Clerk:

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
- B. File copies of all subdivision applications, together with applicable filing fees, with the City Clerk.
- C. Transmit final plats and related subdivision improvements plans and specifications together with Planning Commission recommendations to the City Council for its action.
- D. Send written notice regarding a proposed subdivision to all owners of real property adjoining the proposed subdivision.

SECTION 403 AUTHORITIES AND DUTIES OF THE CITYCOUNCIL

The City Council shall have the following duties and responsibilities with regard to this Ordinance:

- A. Consider Planning Commission recommendations on preliminary and final plats and approve, approve conditionally, or disapprove preliminary and final plats and subdivision improvements plans and specifications.
- B. Determine the appropriateness of any financial participation by the City in the engineering and / or construction of improvements in subdivisions.
- C. Consider and require appropriate financial guarantees regarding installation of approved subdivision improvements to be provided by the sub divider.
- D. Cause inspections of all subdivision improvements to be made to assure compliance of such improvements with the approved plans and specifications.
- E. Take other actions as required from time to time to assure proper enforcement of this Ordinance.
- F. Consideration of and adoption of amendments to this Ordinance.

ARTICLE 5 - PROCEDURES

Any person desiring to subdivide land within the jurisdiction of this Ordinance shall comply with the procedures set forth herein and, in the sequence, specified.

SECTION 501 PRELIMINARY CONSULTATION

Prior to the filing of an application for approval of a preliminary plat or other subdivision, the sub divider shall consult with the Zoning Administrator and shall present an indication of the proposed subdivision in the form of an approximate sketch showing all contiguous land holdings of the sub divider, together with information regarding physical conditions on the property involved, the type of development proposed, proposed improvements, including layout of streets and lots, methods of providing for water supply, sewage disposal and other public utilities and surface drainage, and any legal encumbrances. The purpose of this preliminary consultation is to afford the sub divider an occasion to avail himself / herself of the advice and assistance of the Administrator before the preparation of a preliminary or final plat of a subdivision in order to conserve time and expense for the sub divider.

The Administrator shall advise the sub divider regarding the type of subdivision procedure applicable to such proposed subdivision and indicate the type of plat (preliminary, final, minor or administrative) that is required along with the provisions of applicable laws and regulations, including the provisions and requirements of the zoning regulations and this Ordinance, compliance with the Major Street Plan, the desirability and acceptability of the proposed subdivision design, improvements and the degree of conformity or non-conformity of the proposed subdivision with the Comprehensive Plan and an indication that the sub divider shall be responsible for payment of any subdivision review fee as may be required by the City.

The Zoning Administrator shall advise the sub divider that he/she shall be responsible for all surveying and engineering fees related to the preparation of the preliminary plat and supporting information as required to be provided as set forth in Section 502.04 of this Ordinance. In addition, the sub divider shall be responsible for payment of a preliminary plat filing fee as set forth in the Schedule of Fees for Preliminary Plats, as established by the City Council and payment of an engineering review fee, if such review by the City's Engineer is determined by the Subdivision Review Committee, set forth in Section 502.06 of this Ordinance, to be needed to properly evaluate the subdivision proposed.

The pre-application process shall not require formal application or any payment of fees.

SECTION 502 PRELIMINARY PLAT APPLICATION

502.01 SUBMISSION

The sub divider shall take into consideration the advice offered by the Zoning Administrator in preparing and submitting an application for preliminary plat approval. The sub divider shall submit to the Zoning Administrator, ten (10) copies of the preliminary plat and four (4) copies of the supplemental material specified in Section 502.04 herein, together with one (1) written application on a form specified by the City. **The land area to be included in any preliminary plat shall include all contiguous land holdings of the sub divider (owner).** The sub divider shall submit a complete application at least fifteen (15) days prior to the date of the next regularly scheduled meeting of the Planning Commission at which the subdivision request is to be considered.

502.02 CHECKING OF APPLICATION

Upon submission of a subdivision application, the Zoning Administrator shall check it for completeness. If complete the application shall be docketed for consideration at the next Planning Commission meeting. If the application is incomplete, the Zoning Administrator shall not docket the application and shall notify the sub divider that the application is incomplete and specify what additional data is needed. The Zoning Administrator shall notify the sub divider of any incompleteness within five (5) days of the date of filing of the application. If the application has not been filed in time to allow review by the various entities set forth in Section 502.06 of this Ordinance before the next regular meeting of the Planning Commission, such application shall be docketed for consideration at the following meeting of the Commission.

502.03 FEES

A preliminary plat filing fee shall be paid by the sub divider and shall accompany the application submitted. The amount of such fee shall be in accordance with the Schedule of Fees adopted by the City Council, as may be amended from time to time. The sub divider shall also agree to pay the cost of any engineering review, the need for which shall be determined upon review of the proposed subdivision plat by the Subdivision Review Committee set forth in Section 502.06 of the Ordinance.

502.04 SCALE AND PRELIMINARY PLAT CONTENTS

Preliminary plats shall be drawn at a scale of one (1) inch to fifty (50) feet or one (1) inch to one hundred (100) feet on a maximum sheet size of twenty-four (24) inches by thirty-six (36) inches, and shall include the following information:

- A. The name of the proposed subdivision, the acreage of the land in the proposed subdivision and the location of the subdivision by specific legal description;
- B. The name(s) of the owner(s) of the land within the subdivision and the name of the land planner, surveyor or engineer who prepared the preliminary plat;
- C. Date, north point and graphic scale of the plat map;
- D. The names and addresses of owners of property abutting the proposed subdivision;
- E. The location and dimensions in feet and hundredths of feet of the property lines and the locations and dimensions in feet of lot lines, and building setback lines, if such building setback lines are to be in excess of these required by the applicable zoning regulations;
- F. The location(s) of any existing building(s) or structure(s) to be retained;
- G. The names and dimensions of all existing streets and the proposed names and dimensions of all proposed street rights-of-way with approximate grades and curve radii and pavement widths;
- H. The location of existing and proposed water and sewer lines;
- I. Existing and proposed topographic contours at two (2) foot intervals if the average slope is less than five (5) percent and at five (5) foot intervals if the average slope is five (5) percent or more and an indication of any areas within the proposed subdivision which are subject to flooding, provided that topographic information for any portion of the contiguous land holdings included in the preliminary plat which are not proposed to be subdivided may be provided utilizing enlargements of topographic maps provided by the United States Geological Survey instead of detailed topographic survey data.
- J. A clear indication of the proposed course of surface water drainage from the point(s) where the water enters and leaves the subdivision together with the courses of all surface drainage within the subdivision and outside of the subdivision (*Refer to Section 710 of this Ordinance for drainage requirements*).
- K. The location and size of proposed easements, dedications and reservations of land, including any proposed park or common open space sites reserved for common or public use;
- L. An indication of any proposed phasing of the subdivision development.
- M. An indication of how the proposed subdivision improvements are to be financed. Such improvements shall be financed by the sub divider unless the City Council shall agree to finance all or any portion of the improvements, under the conditions set forth in Section 712.05 of this Ordinance, or assess all or a portion of the cost of such improvements and / or the final plat engineering thereof against the subdivision.

502.05 NOTIFICATION OF SCHOOL BOARD

At least ten (10) calendar days prior to the Planning Commission meeting at which the preliminary plat is to be considered, the Administrator shall submit a copy of the proposed preliminary plat to the Board of the school district in which the proposed subdivision is located, together with a notice of the Planning Commission meeting, date, time and location.

502.06 NOTIFICATION OF AND REVIEW BY OTHERS (SUBDIVISION REVIEW COMMITTEE)

At least seven (7) working days prior to the Planning Commission meeting at which the plat is to be considered, the Zoning Administrator shall submit one (1) copy of the proposed plat to the Mayor, the City water and sewer and streets departments, the fire department, electrical and natural gas suppliers, and telephone and cable television company which will serve the proposed subdivision together with a communication requesting review and comment by these entities with regard to proper design of the subdivision, proper surface drainage, easement locations and ability to serve the proposed subdivision. Such review and comments may occur as written communications or, more preferably, in a joint meeting of all such persons, including the sub divider. If the Zoning Administrator or the members of the Subdivision Review Committee have concerns regarding the proper design or engineering of the improvements needed or proposed for the subdivision, the Committee may agree to require a review of the proposed subdivision by the City's Engineer or request additional information from the Sub divider's engineer. For subdivisions outside of the corporate limits of the City, the County Zoning Administrator, utility entities providing water, electrical power and natural gas and the County Board of Supervisors shall also be provided with a similar communication and request for review and comment. All comments received shall be summarized by the Zoning Administrator and submitted to the Planning Commission at the meeting at which the proposed preliminary plat is to be considered.

502.07 PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT APPLICATION

In consideration of the preliminary plat, the Planning Commission shall determine if the preliminary plat is consistent with the Comprehensive Plan, the Major Street Plan, the requirements of the applicable zoning regulations and is consistent with the requirements of this Ordinance. In its deliberations, the Commission shall consider all comments and recommendations of the Zoning Administrator, the City Engineer, the City Utilities and Street Departments, the Fire Department, the School Board and the public and private utilities involved. The Planning Commission shall, within forty five (45) days, recommend approval as proposed, approval with conditions or denial of the preliminary plat.

In the event the sub divider is proposing that the City participate financially in the construction of improvements in the proposed subdivision, the Commission shall also consider what phasing in final platting is proposed to determine if such phasing is reasonably consistent with market demand and the ability for the sub divider to market all lots created in each phase within five (5) years from the date of final plat approval. The Commission shall provide recommendations regarding appropriate phasing of the subdivision to the City Council for its consideration.

The Commission may, as a condition of recommendation of approval, attach any reasonable condition to bring the subdivision or plat into conformance with the requirements of this Ordinance and the Comprehensive Plan of the City. If a recommendation of denial is forwarded to the City Council, the Commission shall state the specific reason(s) for such recommendation. The Commission shall cause the sub divider to be notified in writing of its action within seven (7) calendar days of such action and such notification shall state any conditions of approval or any reasons for rejection as specified in Section 502.08 below.

502.08 RECORDING OF ACTION BY THE COMMISSION

The action of the Commission shall be recorded in the minutes of the Commission and attached to three (3) copies of the preliminary plat together with a listing of any recommended conditions of approval or reason(s) for rejection. One (1) copy shall be provided to the sub divider, one (1) copy shall be forwarded to the City Council and one (1) copy shall be retained by the Commission.

502.09 CITY COUNCIL ACTION ON PRELIMINARY PLAT APPLICATION

Upon notice of action by the Planning Commission on a preliminary plat, the City Clerk shall place the consideration of the plat on the City Council agenda for the next meeting of the City Council. Following consideration of the recommendations of the Planning Commission, the City Council shall approve, approve conditionally, deny a preliminary plat. The City Council shall determine the acceptability of any proposed street, alley or other dedications and shall impose any conditions or requirements necessary to assure that the preliminary plat is in conformance with the requirements of this Ordinance, the Major Street Plan and the Comprehensive Plan and may impose any other condition to assure that the development of the subdivision will not result in any harm to adjoining property or the City in general.

If a sub divider proposes to petition the City Council seeking financial participation by the City in the final plat engineering and / or construction of infrastructure improvements in the proposed subdivision, the sub divider's engineer shall provide estimates of final plat engineering fees and preliminary estimates of construction costs for all subdivision improvements as part of the preliminary plat. In its review of the preliminary plat, the City Council shall determine if such participation is warranted in accordance with the conditions for such City participation set forth in Section 712.05 of this Ordinance.

If the City Council shall determine that financial participation by the City would comply with the conditions set forth in Section 712.05 of this Ordinance, or if any such participation is to include assessment of all or a portion of the costs of final plat engineering and infrastructure development in the subdivision against the property contained with the subdivision, the City Council and the sub divider shall reach an agreement with regard to phasing of the final platting and subdivision development which complies with the requirements of Section 713.03 of this Ordinance. In addition, the City Council and the sub divider shall enter into a written subdivision agreement which shall specify:

- A. what portions of the final plat engineering fees and infrastructure construction costs shall be paid by the City;
- B. whether the sub divider's engineer or the City's engineer shall prepare the final plat engineering plans and specifications, conduct inspections of construction and issue certifications of compliance and completion;
- C. what portions of said costs are to be assessed against lots in the subdivision, if any (refer to requirements of Section 713.03 of this Ordinance);
- D. that if actual costs for those items for which the City Council agrees to pay exceeds the above referenced engineer's estimate, the sub divider shall be responsible for such additional costs; and
- E. that if the City Council incurs any final plat engineering cost for which it has agreed to pay and the sub divider elects not to develop the proposed subdivision, the sub divider shall agree to reimburse the City for such costs.

502.10 PRELIMINARY PLAT APPROVAL IS CONDITIONAL

City Council approval of a preliminary plat shall not constitute approval of a final plat for all or any part of the subdivision contained in the preliminary plat. Rather, such approval shall be deemed an expression of approval to the layout and preliminary design of the subdivision to be used as a guide in the preparation of any final plat or all or part of the subdivision contained in the preliminary plat which shall be subject to further consideration by the Commission and consideration and approval by the City Council. Similarly, any City Council determination of the appropriateness of financial participation by the City and agreement of any phasing for final platting and development of the subdivision shall be considered a conditional approval of any financial participation by the City, with the condition being that the amount of financial participation by the City shall not increase in any final plat stage unless approved by the City Council.

502.11 EXPIRATION OF AN APPROVED PRELIMINARY PLAT

Unless a final plat for all or part of the subdivision proposed in an approved preliminary plat has been submitted for consideration by the Planning Commission and City Council, the approval of the preliminary plat shall expire two (2) years from the date of the original preliminary plat approval by the City Council

unless the sub divider formally requests an extension of such expiration and can show good cause why the City Council should grant an extension. Upon such a request and upon showing of good cause, the City Council may grant an extension for any length of time it determines to be appropriate for the proper planning and development of the City.

SECTION 503 FINAL PLAT APPLICATION

503.01 SUBMISSION REQUIREMENTS

All final plat applications for review and approval shall conform to the approved preliminary plat and any conditions of approval of such preliminary plat, as well as all applicable standards set forth in this Ordinance and other applicable laws and regulations. If desired by the sub divider, a final plat may constitute only a portion of the land area contained in the approved preliminary plat to facilitate phasing of the subdivision development. Such phasing shall be in a manner as agreed by the City Council in the approval of the applicable preliminary plat.

The sub divider shall submit to the Zoning Administrator, ten (10) copies of the proposed final plat and four (4) copies of the supplemental material and subdivision improvement plans and specifications described in Sections 503.04 and 503.05 herein, together with one (1) written application on a form specified by the City. The sub divider shall submit a complete application at least fifteen (15) days prior to the date of the next regularly scheduled meeting of the Planning Commission at which the subdivision request is to be considered.

503.02 CHECKING OF APPLICATION

Upon submission of a subdivision application, the Zoning Administrator shall check it for completeness. If complete, the application shall be docketed for consideration at the next Planning Commission meeting. If the application is incomplete, the Zoning Administrator shall not docket the application for consideration and shall notify the sub divider that the application is incomplete and specify what additional data is needed. The Zoning Administrator shall notify the sub divider of any incompleteness within five (5) days of the date of filing of the application. If the application has not been filed in time to allow review by the various entities in the same manner as set forth in Section 502.06 of this Ordinance before the next regular meeting of the Planning Commission, such application shall be docketed for consideration at the following meeting of the Commission.

503.03 FEES

A final plat filing and review fee shall be paid by the sub divider and shall accompany the application submitted. The amount of such fee shall be in accordance with the Schedule of Fees adopted by the City Council, as may be amended from time to time. The sub divider shall also agree to pay the cost of any engineering review, the need for which shall be determined upon review of the proposed subdivision plat by the Subdivision Review Committee set forth in Section 502.06 of the Ordinance.

503.04 SCALE AND FINAL PLAT CONTENTS

Final plats shall be drawn in ink on dimensionally stable reproducible plastic film or paper at a scale of one (1) inch to fifty (50) feet or one (1) inch to one hundred (100) feet on a maximum sheet size of twenty-four (24) inches by thirty-six (36) inches and shall include the following information:

- A. The name of the proposed subdivision, the acreage of the land in the final plat and the location of the land within the subdivision final plat by specific legal description indicating boundary lines with accurate lengths, angles and bearings based upon an accurate traverse. Said boundary lines shall be determined by a balanced and closed survey conducted in the field. (See Section 702).
- B. The name(s) of the owner(s) of the land within the subdivision (See Owner's Certification, Item N below).
- C. Date, north point and graphic scale of the plat map.
- D. The name of the surveyor and/or engineer who prepared the final plat (See Surveyor's Certificate, Item M below).

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- E. The name, location and dimensions in feet and hundredths of feet with bearings or deflection angles, radii, arcs and central angles of all curves of the rights-of-way of all streets, alleys and other rights-of-way, all lot lines and other sites, and building setback lines, if such building setback lines are to be in excess of those required by the applicable zoning regulations;
 - F. The radii, central angles, tangents, lengths of arcs, curvature angles at street intersections and a complete traverse of each street within and on the perimeter of the plat.
 - G. The location, dimensions in feet and hundredths of feet of all easements, together with an indication of the purpose or purposes of each easement.
 - H. All lake, pond, stream or river shore meander lines established by the surveyor indicating the high and low water marks. If any area within the plat is subject to flooding, the minimum floor elevation for each lot which is subject to flooding shall be indicated.
 - I. All lot and block numbers.
 - J. Accurate location, size, type and material of all monuments, an indication of whether such monuments were found or set and the elevation of at least one (1) such monument.
 - K. Accurate locations of any area to be dedicated or reserved for public use or acquisition with the purpose(s) indicated thereon. Any area to be reserved by covenant or deed restriction for the common use by the owners in the subdivision shall also be located and noted.
 - L. Restrictive covenants or deed restrictions applicable to the land contained in the plat, either placed directly on the plat or attached thereto. Such covenants or restrictions shall clearly indicate the disposition of all land within the plat with respect to liability, maintenance and other responsibility, and shall provide for the following items:
 - 1. Provisions for the prohibiting maintaining of nuisances.
 - 2. Provisions with reference to utility and drainage easements including the specific provision that any tree, shrub, fence or other structure or installation placed or allowed to grow in any easement shall be subject to the paramount right of the utility or City to install, repair, replace and maintain its installations and the utility and City shall not be liable for replacement or reinstallation of such trees, shrubs, fences or other installation placed or allowed to grow in such easement.
 - 3. Provisions for maintaining proper site distances at street and alley intersections, within and on the periphery of the subdivision, as set forth in Section 602.12 of this Ordinance.
 - 4. Such other provisions as may be consistent with the use and protection of the subdivision, including provisions for the amendment and enforcement of the covenants or restrictions by any aggrieved property owner in the subdivision.
 - M. Certification and signature of the surveyor certifying to the effect that the final plat accurately represents a survey made by him/her or under his/her direct supervision, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown on the plat actually exist on the ground or will be installed and their position and description is correctly shown and that all dimensional and directional data are correct. The following surveyor's certificate shall be used on all final plats:

SURVEYOR'S CERTIFICATION

I ____ (name) ____ hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on ____ (date) ____, that any changes from the description appearing in the last record transfer of the land contained in this plat are so indicated, that all monuments shown hereon actually exist as described on the ground or will be installed and their position is correctly shown, and that all dimensional and directional data are correct.

____ (Signature) _____

____ (Date) _____

- N. Certification signed and notarized by all parties holding title or having a title interest in the land contained in the final plat and consenting to the preparation and recording of the plat as submitted and consenting to all dedications noted thereon. The certification shall also indicate that the title to all land contained in the plat is free and unencumbered. The following owner's certification shall be used on all final plats:

OWNER'S CERTIFICATION

I / We the undersigned, _____ (names) _____ owner(s) of the real estate shown and described herein, do hereby certify that I / we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the plat.

This subdivision shall be known and designated as _____ (name) _____, an addition to the City of Alma, Nebraska. *(delete the last phrase if the subdivision is located outside of the corporate limits and will not be platted as an addition to the City or otherwise annexed to the City.)*

All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted hereon. Any other public lands shown hereon and not heretofore dedicated are hereby reserved for public use with provisions for maintenance by the owners of property within the subdivision unless specifically noted hereon. *(this language is to be used where streets and / or alleys are proposed to the dedicated to the public and the City Council has agreed to accept such dedications.)*

Where private streets are proposed, where the City does not agree to accept any dedications of streets and / or alleys or when the subdivision is located outside of the corporate limits of the City and will not be platted as an addition to the City or otherwise annexed by the City, the following language shall be used: All streets and alleys shown and not heretofore dedicated are hereby established as public access easements to be maintained by owners of property within this subdivision unless specifically noted hereon. Any other public lands shown hereon and not heretofore dedicated are hereby reserved for public use with provisions for maintenance by the owners of property within the subdivision unless specifically noted hereon.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of land shown on this plat and marked easement, reserved for the use of public utilities or other entity so indicated and such easements are subject to the paramount right of the utility or other entity so indicated to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions thereof may be inserted here or attached to the plat.)

Witness our hands on this ____ day of _____, ____

Signature

Signature

NOTARIZATION OF OWNER'S SIGNATURES

STATE OF _____

COUNTY OF _____

Before me, the undersigned Notary Public, in and for the County and State, personally appeared and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed for the purposes therein expressed. Witness my hand and Notarial Seal this _____ day of _____, ____

Notary Public
Notarial Seal

- O. Each final plat shall also contain the following approval certifications:

PLANNING COMMISSION CERTIFICATION

The foregoing plat was reviewed and approved by the Planning Commission of Alma, Nebraska on this _____ day of _____, _____. This plat is void unless recorded before the _____ day of _____, _____ which is two (2) years from the date of said approval.

Planning Commission Chairperson

ACCEPTANCE CERTIFICATE

If the proposed subdivision is platted as an addition to the City or is to be otherwise annexed to the City and dedication of streets, alleys or other dedications has been approved by the City Council, the following language shall be used:

The foregoing plat and dedications are approved and accepted by the City Council of the City of Alma, Nebraska on this _____ day of _____, _____.

Mayor

Attest: City Clerk

Where private streets are proposed, where the City does not agree to accept any dedications of streets and / or alleys or when the subdivision is located outside of the corporate limits of the City and will not be platted as an addition to the City or otherwise annexed by the City, the following language shall be used:

The foregoing plat is hereby approved and accepted by the City Council of the City of Alma, Nebraska on this _____ day of _____, _____.

Mayor

Attest: City Clerk

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- P. Customary recording notations for transfer and recording, indicating the date and time of recording, the plat book location thereof, the instrument number and the date and time duly entered for taxation including the following certifications:

HARLAN COUNTY TREASURER CERTIFICATION

This is to certify that I have found no regular or special taxes or assessments due or delinquent against the real property described in this plat, as shown by records of this Office as of this _____ day of _____, 20__.

Harlan County Treasurer

REGISTRAR OF DEEDS CERTIFICATION

This instrument was filed for record on _____, ____ at _____ o'clock __ M. and duly recorded and entered for taxation in Vol. ____ of Book ____, Page _____. A recording fee of \$ _____ was paid. Dated this _____ day of _____, 20__.

Harlan County Registrar of Deeds

503.05 SUPPLEMENTAL DATA REQUIRED FOR FINAL PLATS

1. **Construction Plans and Specifications:** The sub divider's engineer shall submit construction plans and specifications in accordance with the following requirements for all improvements and installations required by this Ordinance. The construction plans and specifications shall consist of all cross-sections, profiles and all other engineering data necessary for the proper design and construction of all improvements and installations required by this Ordinance including, but not limited to, the following:
 - A. Streets;
 - B. Storm sewers and all other elements of the drainage system;
 - C. Sanitary sewer system;
 - D. Water system;
 - E. Monuments and markers;
 - F. Sidewalks and pedestrian ways;
 - G. Street signs and street lighting and any construction / improvement elements peculiar to the subdivision.
 - H. If the City Council has agreed to finance all or a portion of the engineering fees and/or cost of construction of the proposed subdivision improvements, final cost estimates for all improvements for the phase of the subdivision included in the final plat shall be provided along with the costs to the City in accordance with the agreement for financial participation by the City established as part of the preliminary plat review and approval.

503.06 PLANNING COMMISSION ACTION ON THE FINAL PLAT APPLICATION

Following consideration of the final plat, the Planning Commission shall determine if the final plat and subdivision improvement plans and specifications are consistent with the approved preliminary plat, the Comprehensive Plan, the Major Street Plan, the requirements of the applicable zoning regulations and is consistent with the requirements of this Ordinance and any conditions established by the City Council in its approval of the preliminary plat. In its deliberations, the Commission shall consider all comments and recommendations of the Zoning Administrator, the

City Utilities and Street Departments, the Fire Department, the School Board and the public and private utilities involved. The Planning Commission shall, within forty-five (45) days, recommend approval, approval with conditions or denial of the final plat.

The Commission shall also consider if any phasing in final platting and development is consistent with the phasing approved by the City Council. The Commission shall provide recommendations regarding any inconsistencies in phasing of the subdivision development to the City Council for its consideration.

The Commission may, as a condition of recommendation of approval, attach any reasonable condition to bring the subdivision or plat into conformance with the requirements of this Ordinance and the Comprehensive Plan of the City. If a recommendation of denial is forwarded to the City Council, the Commission shall state the specific reason(s) for such recommendation. The Commission shall cause the sub divider to be notified in writing of its action within ten (10) days of the Commissions' action and such notification shall state any conditions of approval or any reasons for rejection as specified in Section 503.07 below.

503.07 RECORDING OF ACTION BY THE PLANNING COMMISSION

The action of the Commission shall be noted in the minutes of the Commission together with any recommended conditions of approval or reasons for rejection. If no changes are required on the final plat the Chairman of the Commission shall date and sign the plat. If changes are recommended on the final plat, the Chairman shall not sign such final plat until such changes have been completed.

503.08 ACTION / ACCEPTANCE BY THE CITY COUNCIL

Upon notice of action by the Planning Commission on a final plat, the City Clerk shall place the consideration of the plat on the City Council agenda for the next meeting of the City Council. Following consideration of the recommendations of the Planning Commission, the City Council shall approve or reject such plat and plans and specifications and accept or reject any dedications indicated thereon. If rejected, the City Council shall state the specific reason(s) for the rejection. The City Council shall notify the sub divider of the action of the Council within ten (10) days of its meeting and shall state all reasons for rejection. If the City Council approves such plat, plans and specification and any dedications indicated thereon or requires modifications of the plat, plans or specifications, it shall notify the sub divider of the action of the Council within ten (10) days of its meeting. Further, if applicable, the City Council shall indicate acceptance of any agreed upon financial participation by the City for the phase of the subdivision indicated on the final plat.

503.09 RECORDING OF FINAL PLATS

After final approval of the plat for the record by the City Council, the sub divider shall make any necessary revisions in the final plat and any necessary revisions in the subdivision improvement plans and specifications and file with the Zoning Administrator the original and three (3) copies of the final plat and three (3) copies of any revised construction plans and specifications. Until such copies have been filed no zoning permit or other permit shall be issued for any lot therein.

The Zoning Administrator shall retain the original of the final plat until released for recording in the Office of Harlan County Registrar of Deeds. Release of final plat for recording shall be conditioned upon the following:

1. If the sub divider is to install and pay for all subdivision improvements and has elected not to provide acceptable financial assurances to the City, the final plat shall not be released for recording until such time as all required subdivision improvements have been installed and inspected and the City Council have agreed to accept such improvements.
2. If the sub divider wishes to record the final plat prior to completion of installation of any improvements which are the responsibility of the sub divider, the final plat shall not be released for recording until the sub divider has provided acceptable financial surety in accordance with Section 713 of this Ordinance and such surety has been accepted by the City Council.
3. If any part or all of the subdivision improvements are to be designed by the sub divider's / City's engineer and installed by the City and/or an assessment district is to be utilized to finance any improvements, such approved final plat shall not be released for recording until such time as the plans and specifications for such

improvements have been approved by the City Council and, if applicable, an assessment district has been created.

When the final plat is released by the Zoning Administrator, the sub divider shall record the final plat and pay all recording fees.

503.10 GENERAL REQUIREMENTS

1. The recording of any plat shall be without legal effect unless said plat bears the signature of the Chairperson of the Planning Commission and the signatures of the Mayor and City Clerk.
2. Every final plat reviewed by the Planning Commission and approved by the City Council after the effective date of this Ordinance shall be recorded within two (2) years after the date of the Commission's meeting at which said plat was approved or such final plat shall become void and shall only be recorded after re-review by the Commission and re-approval by the City Council.
3. Every final plat, which has been reviewed by the Commission and approved by the City Council before the effective date of this Ordinance, but which has not been recorded, shall be recorded within two (2) years after the effective date of this Ordinance or such final plat shall become void and shall only be recorded after re-review by the Commission and re-approval by the City Council.

503.11 ANNEXATION

Any subdivision or re-subdivision proposed under this Ordinance that is not already within the corporate limits of the City of Alma shall be platted as an addition to the City or be otherwise annexed to the City as a condition of preliminary and final plat approval by the Planning Commission and City Council, provided, however, said subdivision or re-subdivision is deemed contiguous and annexable under the limitations established in Neb. Rev. Stat. § 17.405, as the same may be modified from time to time.

ARTICLE 6 - SUBDIVISION DESIGN STANDARDS

SECTION 601 GENERAL REQUIREMENTS

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. If, following investigation, conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or would necessitate an excessive expenditure of public financial resources for streets, water and sewer facilities, storm sewers or other facility, the subdivision shall not be approved unless the sub divider formulates adequate methods for meeting such problems.

All subdivision designs shall conform to the standards of the Comprehensive Plan of current adoption and the Zoning Ordinance of the City. All required improvements and installations shall be constructed or installed to conform to the provisions of this Ordinance and the specifications of the City.

SECTION 602 STREETS

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Major Street Plan, a component of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

602.01 STREET EXTENSIONS

The street layout in the proposed subdivision shall provide for the continuation or appropriate extension of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the recommendation of the Planning Commission and agreement by the City Council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended to the boundaries of the subdivision. Where the Planning Commission and City Council deem it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least twenty-five (25) 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 for the classification of such street by this Ordinance.

602.02 DEDICATION OF RIGHTS-OF-WAY FOR NEW STREETS

The dedication of rights-of-way for new streets, measured from lot line to lot line, shall be as shown on the Major Street Plan, a component of the Comprehensive Plan, and shall meet the right-of-way width requirements as set forth in Schedule A of this Ordinance. All streets classified as arterial streets in the Major Street Plan shall have all points of access approved by the City Council. Dedication of one-half (1/2) rights-of-way for a proposed street along the boundaries of the land being subdivided shall be prohibited, except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require dedication of the other one-half (1/2) of the right-of-way when the adjoining property is subdivided.

602.03 DEDICATION OF RIGHTS-OF-WAY FOR EXISTING STREETS

Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street right-of-way standards set forth in the Ordinance. The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the centerline of the existing street shall be dedicated.

In the development of residential subdivisions utilizing zero-lot line and clustered development housing styles, the City Council may grant a right-of-way variance to reduce the right-of-way dedication to the width of the street pavement for streets classified as local streets with the provision that utility and sidewalk easements not less than ten (10) feet in width shall be provided on either side of said reduced right-of-way and that the housing be set back a minimum of twenty (20) feet from the easement line furthest from the street.

602.04 INTERSECTIONS

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of a street intersection is less than seventy-five (75) degrees, the City Council may require greater curb radii. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

602.05 HORIZONTAL AND VERTICAL STREET CURVES

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe site distance shall be provided. The minimum radii of street curves shall be as set forth in Schedule A of this Ordinance.

All changes of grade shall be connected by vertical curves of a minimum length equivalent to eighty-five (85) times the difference in the rate of grade, expressed in feet per hundred for arterial streets, fifty-five (55) times the difference for collector streets, thirty-five (35) times the difference for local and other minor streets.

602.06 STREET GRADES AND ELEVATIONS

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than three tenths (0.3) of one (1) percent. Minimum grades for gutters and ditches shall be four-tenths (0.4) of one (1) percent and five-tenths (0.5) of one (1) percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements.

The City Council shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivisions will not be isolated by floods. Where flood conditions exist, the City Council shall require profiles or elevations of

streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights up stream. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights. Street grades shall conform to the minimum requirements provided in Schedule A of this Ordinance.

602.07 MARGINAL ACCESS (FRONTAGE) STREETS

Where a subdivision abuts or contains an existing or proposed major arterial street, the City Council may require marginal access streets, reverse frontage lots with screen planting contained in a no-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of the platted properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed major arterial street on which traffic volumes and vehicular speeds warrant special safety considerations, the City Council may require that marginal access streets be provided in order that no new lots shall front on or have access directly to such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

602.08 STREET JOGS

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.

602.09 DEAD END STREETS

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer the nine hundred (900) 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 forty (40) feet and a right-of-way radius of at least forty-five (45) feet.

602.10 STREET NAMES

Proposed streets, which are in alignment with other already existing and named streets, shall bear the names of such 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, lane, road, pike, highway, parkway, or similar suffix.

Whenever a street alignment changes direction more than forty-five (45) degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street shall be changed at the point of curvature.

Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.

To avoid duplication and confusion, the proposed names of all streets shall be approved by City Council as part of its approval of the final plat prior to such names being assigned or used.

602.11 PRIVATE STREETS

New private streets may be created within any subdivision within the corporate limits of the City or proposed to be platted as an addition to the City or be otherwise annexed by the City. In subdivisions which are outside of the corporate limits of the City and which are not to be platted as an addition to the City or be otherwise annexed by the City, all new streets shall be private streets, described as public access easements. All private streets shall be designed and constructed with the same specifications as a public street. All private streets shall meet the following minimum requirements:

-
1. All private streets proposed in any subdivision within the corporate limits of the City or proposed to be platted as an addition to the City or be otherwise annexed by the City shall be designed and constructed under the same specifications for design, rights-of-way and paving as a public street and a lot owners association shall be required to be created to provide for assessments against all lots in such proposed subdivision to provide for the maintenance and repair of such private streets and snow and debris removal.
 2. In subdivisions which are outside of the corporate limits of the City and which are not to be platted as an addition to the City or be otherwise annexed by the City:
 - A. All new streets shall be private streets, described as public access easements.
 - B. In subdivisions where the lots are less than one-half (1/2) acre in area, all private streets shall be designed and constructed under the same specifications for design, rights-of-way and paving as a public street and a lot owners association shall be required to be created to provide for assessments against all lots in such proposed subdivision to provide for the maintenance and repair of such private streets and snow and debris removal.
 - C. In subdivisions where the lots are greater than one-half (1/2) acre in area, all private streets shall be designed and constructed under the same specifications for rights-of-way and, at the subdivider's option, the paving of said streets may be waived, provided that such streets shall be constructed and maintained with a minimum twenty two (22) foot wide gravel or crushed rock surface and a lot owners association shall be required to be created to provide for assessments against all lots in such proposed subdivision to provide for the maintenance and repair of such private streets and snow and debris removal.

602.12 SITE DISTANCE AT INTERSECTIONS

The following shall be required as part of the restrictive covenants on all final plats:

No fence, wall, hedge, tree or shrub planting which obstructs sight lines at elevations between 2.5 and 8 feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points (25 feet for local streets or 50 feet for a collector or arterial street) from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

602.13 VISIBILITY REQUIREMENTS

Minimum horizontal visibility measured on inside travel lane center line shall be three hundred fifty (350) feet on arterial streets, two hundred seventy-five (275) feet on collector streets, and two hundred (200) feet on local and other minor streets.

SECTION 603 ALLEYS

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes, only in the event that private service drives cannot be provided. Alleys shall not be provided in residential subdivisions except in cases where the subdivider produces evidence of the need for alleys which is acceptable to the City Council. The minimum width of an alley shall be twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided and if such dead-end alleys occur, such shall be equipped with a turnaround with a minimum radius of twenty-five (25) feet.

SECTION 604 BLOCKS

The lengths, widths and shapes of blocks shall be determined with due regard to the provision of adequate access and circulation, building sizes suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations of opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand two hundred (1,200) feet.

SECTION 605 LOTS

605.01 GENERAL

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

605.02 LOT DIMENSIONS

Lot dimensions shall conform to the requirements of the applicable zoning district.

605.03 CORNER LOTS

Corner lots for residential use shall have additional width to permit the required minimum front yard setback distances on both frontages, while maintaining adequate buildable area and orientation of the residential structure to one or both streets.

605.04 ACCESS TO LOTS

The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of a public street or approved private street.

605.05 DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS

Double frontage and reverse frontage lots, shall be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten (10) feet in trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial streets

605.06 ANGLE OF SIDE LOT LINES

Side lot lines shall be substantially at right angles or radial to street lines, except in cases, determined by the City Council, where odd land configuration or topography would dictate creation of lots with side lot lines at substantial variation with this limitation.

605.07 SETBACK LINES

Minimum building setback (yard) lines on lots shall be as regulated by the yard provisions of the applicable zoning district. Where the sub divider desires setback distances in excess of the minimum setback stipulated in the zoning district, such shall be indicated on the final plat.

SECTION 606 SIDEWALKS

606.01 GENERAL

Sidewalks shall be labeled upon the improvement plans and installed by the first purchaser of each lot in every subdivision, except where unusual conditions exist which eliminate the need for sidewalks and an exception to eliminate all or a portion of the sidewalk construction requirement is recommended by the Planning Commission and approved by the City Council as part of the final plat approval process.

606.02 RESPONSIBILITY FOR INSTALLATION

The sale of each lot in any subdivision shall include a written condition that the purchaser of such lot shall be responsible for installation of the sidewalk, as indicated on the subdivision improvement plans, and that such sidewalk shall be installed upon completion of construction of the first building on such lot. Any zoning permit issued for the first building on such lot shall include a condition that the sidewalk be installed upon completion of the building for which the permit was issued.

606.02 STANDARDS:

Sidewalks shall be installed in all subdivisions within the boundaries of a plat regardless of the use of land in the subdivision and such sidewalks shall be installed according to the following standards:

- A. Along both sides of all streets within the subdivision, in which case the edge of the sidewalk nearest to the street shall normally be placed five (5) feet from the back of the street curb or, where no curb

exists, from the edge of the street pavement. Sidewalks abutting the curb or pavement of any street shall be prohibited. Sidewalks may meander to avoid removal of trees or to take advantage of more easily traversed topography by pedestrians, but in no event shall such meandering result in the edge of the sidewalk nearest the street to be closer than the aforementioned five (5) feet minimum distance and such meandering sidewalks shall align with any existing adjoining sidewalks at the point where such sidewalks meet. If a sidewalk is to meandering onto private property and easement for such private property shall be established.

- B. All sidewalks shall extend to the street pavement at all intersections and at mid-block crossings where appropriate and shall be equipped with handicap access ramps.
- C. In neighborhoods planned as cluster developments, sidewalk locations may be adjusted to accommodate the most efficient pedestrian circulation through and to and from the development, including sidewalks in rear yards and elsewhere to accomplish such efficiency in pedestrian movement.
- D. The Planning Commission may recommend modifications to and the City Council may modify the requirements of this Section, but only in instances where park, railroads, extreme topographical conditions or other unusual conditions, excluding use of the property, make sidewalk installation non-essential or unnecessary on both sides of the street. In any subdivisions under the jurisdiction of the City where lot sizes equal or exceed one (1) acre and average lot frontages exceed two hundred (200) feet, the Planning Commission may recommend and the City Council may grant an exception to all or some of this sidewalk installation requirement.
- E. The minimum sidewalk width shall be four (4) feet on local, collector and minor arterial streets and five (5) feet on major arterial streets, provided however that in multiple family residential developments and non-residential subdivisions said sidewalks shall be of a width suitable for the anticipated pedestrian traffic, but not less than four (4) feet, as determined by the City Council.

SECTION 607 FLOOD AND TOPOGRAPHIC HAZARD AREAS

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be included in a subdivision and be set aside on the plat for such uses as will be compatible with the hazards associated with the flooding or erosion. The City Council shall require that the lowest inhabitable floor of any building lot situated in a flood prone area be elevated a minimum of one (1) foot above the 100-year flood elevation in accordance with the requirements of the Zoning Ordinance and the Federal Flood Hazard Insurance Program.

SECTION 608 EASEMENTS

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen (16) feet in width. Where a subdivision is traversed by a water course or drainage way, a drainage easement shall be provided and such easement shall conform substantially with the lines of such water course or drainageway and shall have a width which will be adequate for the purpose of retaining the water handling capacity of the water course or drainageway.

SECTION 609 COMMUNITY ASSETS

In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock or topographic formations, water courses, and any sites having historic significance, which if preserved, would add attractiveness and value to the area. The City Council shall have the authority to require preservation of such natural or historic features as it deems reasonable.

SECTION 610 RESERVATION / DEDICATION OF PUBLIC LAND AND OPEN SPACE

Before preliminary or final plat approval is given, the Planning Commission may recommend and the City Council may require the sub divider to reserve sites for parks, playgrounds, open space, schools and other public uses consistent with the Comprehensive Plan of the City, as recommended by the Planning Commission and determined by the City Council. Reservation of land for public acquisition and/or use shall be for a period of time not to exceed two (2) years from the date the final plat wherein such reserved area is located is recorded unless otherwise provided in this Ordinance. If such reserved site is not acquired by the City or other governmental entity within said two (2) year period, the sub divider may then re-subdivide the site or alternative purposes and sell any or all of such site.

Where a park, playground, school, or other site for public use, indicated in the Comprehensive Plan, is located in whole or in part in an area proposed to be subdivided the City Council may require immediate acquisition of such site by the City or other governmental entity or accept the dedication of such area.

SECTION 611 DEDICATION

Final plat approval shall be subject to acceptance of any dedication of streets and alleys by the City Council. If dedication of such streets and alleys is not accepted by the City Council and are to be developed as private streets, or if the subdivision is located outside the corporate limits of the City and is not being platted as an addition to the City or will be immediately annexed by the City, the sub divider shall make adequate provision, as determined by the City Council, for an owner's association with direct responsibility to and control by the property owners of the subdivision to provide for the proper maintenance of all such private streets and alleys, the removal of debris and the timely removal of snow there from so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association shall be self-perpetuating and has the authority to collect assessments upon owners of land in the subdivision to accomplish the required street and alley maintenance.

Such provisions shall also provide for agreement of the property owners within the subdivision, that if the City or other government entity is requested or required to perform any maintenance or snow removal from such private streets or alleys in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid within ninety (90) days of billing by the City, the same shall become a lien upon all properties within the subdivision until such costs are paid in full.

ARTICLE 7 - REQUIRED IMPROVEMENTS

SECTION 701 GENERAL REQUIREMENTS

The sub divider, or in the event the City Council has agreed to financially participate in the development of the subdivision under the conditions set forth in Section 712.05 of this Ordinance and the creation of an assessment district, the City shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All plans and specifications for such improvements shall be reviewed and recommended to the City Council by the Planning Commission and be approved by the City Council upon recommendation of the City's utilities and streets department staff or, if determined necessary by the City Council, the City's Engineer.

If the sub divider is to install such improvements, all construction work shall be done under the supervision of the City and shall be completed within the time limitations set forth herein. The minimum requirements for materials shall be in accordance with the specifications of the City which are currently in force or as approved by the City's utilities and streets department staff or, if determined necessary by the City Council, the City's Engineer. Standards applicable to health and sanitation as promulgated by the Nebraska Departments of Environmental Quality and Health shall be minimum standards unless higher standards are required by the City.

All inspection costs and costs for required tests shall be the responsibility of the sub divider unless the City Council has agreed to pay for all or any portion of such costs, in which case the costs agreed to by the City Council shall be borne by the City or unless the City Council has agreed to the creation of an assessment district in which case the cost shall be borne by the City and become part of the assessments on the property within the subdivision.

SECTION 702 MONUMENTS AND MARKERS

The sub divider shall be responsible for and monuments and markers shall be installed by the sub divider's surveyor so that the top thereof is level with the proposed finished grade adjoining it, and the center, cross mark or other designation thereon shall coincide exactly with the intersecting or other lines so marked and designated.

702.01 MONUMENT LOCATIONS

- A. Iron rod monuments shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries or within the area being platted.
- B. Iron rod monuments shall be installed at:
 1. The intersection of all angles in the boundary line of the subdivision
 2. The intersection of all street and alley right-of-way lines within and on the perimeter of the subdivision.

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3. The beginning and ending of all curves in street and alley right-of-way lines, except corner easements having a radius of fifty (50) feet or less.
 4. Such other points as are necessary to definitely establish all major plat lines.

702.02 MONUMENT CONSTRUCTION

Iron rod monuments shall consist of an iron rod at least one-half (1/2) inch in diameter and twenty-four (24) inches in length.

702.03 REMOVAL AND REPLACEMENT OF MONUMENTS

The removal, replacement or installation of monuments at points designated as A through Z in the Federal Land Survey System as indicated by the Harlan County Surveyor shall be accomplished in accordance with the standards and requirements of the Harlan County Surveyor.

702.04 MARKER LOCATIONS

Markers shall be located at all the following points:

- A. All points where lot lines intersect street or alley right-of-way lines.
- B. All points where curves begin and end.
- C. All angles formed by intersections of lot lines.
- D. All other lot corners not established by monument.
- E. All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.

702.05 MARKER CONSTRUCTION

All markers shall consist of iron rods not less than one-half (1/2) inch in diameter and not less than twenty four (24) inches in length.

702.06 TEMPORARY MONUMENTS AND MARKERS

Temporary monuments and markers may be installed during construction of subdivision improvements, provided however, that permanent monuments and markers shall be a part of the physical improvements covered under the sub divider financial guarantees required in this Ordinance and such monuments and markers shall be installed in accordance with the requirements of this Ordinance.

SECTION 703 STREET GRADING

All streets, except arterial and collector streets, shall be graded to the full width of the right-of-way to within three (3) inches of the street grade established in the plans and specifications of the approved final plat. All arterial and collector streets shall be graded to a width of at least twenty (20) feet beyond the curbs or edge of pavement to within three (3) inches of the street grade established in the plans and specification of the approved final plat, all in accordance with the following:

703.01 PREPARATION OF SUBGRADE

Before grading is initiated, the entire right-of-way areas shall first be cleared of all tree stumps, roots, brush and other objectionable material. The subgrades shall then be properly shaped, rolled and uniformly compacted to conform with the specified cross-section and grades.

703.02 CUTS AND FILLS

In all cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of two (2) feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least twelve (12) inches below the graded surface. In fills, no objectionable material shall be incorporated.

SECTION 704 STREET CONSTRUCTION

704.01 PAVEMENT

Minimum requirements for pavement construction shall be in accordance with the standard specifications of the City or as recommended by the Planning Commission and approved by the City Council. Higher

design standards may be recommended by the Commission and required by the City Council to provide adequately for unusual soil conditions or extraordinary traffic volumes, axle loads or other abnormal characteristic.

All streets shall be paved in accordance with the specifications of the City, except in the case of a residential subdivision outside of the corporate limits of the City, but within the jurisdiction of this Ordinance, wherein all lots in the subdivision have a minimum lot area of two (2) acres and a minimum frontage of two hundred (200) feet or more, the paving requirements may be waived and streets in such subdivision shall be provided with a crushed rock or gravel surface, of depth acceptable to the City Council, not less than twenty (20) feet in width. A condition of such a waiver shall be that a deed restriction shall be added to all lots within the subdivision which prohibits future lot owners from protesting or voting against the creation of an assessment district for the purpose of paving such streets.

The subgrade for rigid and flexible pavements shall be prepared in compliance with the specifications of the City or in accordance with the requirements established by the City Council.

704.02 SHOULDERS, SIDE SLOPES AND DITCHES

All shoulders, side slopes and ditches shall be prepared in compliance with the standard specifications of the City. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeded as set forth in the standard specifications. Plans for erosion control shall be part of the required improvement plans to be submitted and approved as part of the final plat approval.

Ditches having a grade of three (3) to five (5) percent shall have a gutter consisting of sod. If the grade of any ditch is in excess of five (5) percent, the gutter shall consist of concrete or small sodded dams or such other erosion control devices as may be approved by the Zoning Administrator.

The maximum side slopes for drainage swales and ditches shall be five (5) of run to one (1) foot of vertical change.

704.03 MINIMUM PAVEMENT WIDTHS

Pavement widths shall be measured between the curbs and shall have a minimum width for the classification of the street as set forth in Schedule A of this Ordinance.

704.04 CURBS AND GUTTERS

Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless specifically excepted by recommendation of the Planning Commission and approved by the City Council. Curbs shall be constructed in accordance with specifications approved by the City Council and shall not be less than six (6) inches in height and the backfill shall be higher than the curb and shall slope to the curb to assure proper surface drainage.

SECTION 705 STREET NAME SIGNS

At least one (1) street name sign shall be installed by the sub divider, or in the event the City Council has authorized financial participation by the City in accordance with the conditions of Section 712.05 of this Ordinance, the City, at each street intersection within or on the perimeter of the subdivision and shall be located on the northeast corner thereof, whenever possible, and on the park strip between the street and the sidewalk at a point approximately six (6) inches from said sidewalk or its intended location.

SECTION 706 CULVERTS

Culverts shall be constructed and installed whenever necessary by the sub divider, or in the event the City Council has authorized financial participation by the City in accordance with the conditions of Section 712.05 of this Ordinance, the City, to provide adequate surface drainage, as set forth in the drainage report for a final plat as set forth in Section 710 of this Ordinance and approved by the City Council in their review and approval of the subdivision plat and associated improvement plans and specifications.

SECTION 707 **SIDEWALKS**

Sidewalks shall be constructed in conformance with the requirements of Section 606 of this Ordinance and shall be constructed of Portland cement concrete or other acceptable material as approved by the Planning Commission and City Council in the approval of the subdivision plat and associated improvement plans and specifications. Sidewalk thickness shall not be less than four (4) inches.

SECTION 708 **DRIVEWAYS**

Subdivision street design and grading shall result in driveways having a maximum grade of ten (10) percent. Driveways and curb cuts shall not be closer than three (3) feet from a side lot line. Curb cuts shall be three (3) feet wider than the driveway and each side to provide for a radius on the driveway pavement.

SECTION 709 **STREET AND WALKWAY LIGHTING**

The sub divider, or in the event the City Council has authorized financial participation by the City in accordance with the conditions of Section 712.05 of this Ordinance, the City, shall install street lights at each entrance (street or sidewalk) into the subdivision and at each street intersection within the subdivision and at such intermediate points so that street or walkway light spacing does not exceed three hundred (300) feet between such lighting fixtures. In residential areas such lighting in new subdivisions shall utilize underground wiring and appropriate easements for such wiring as indicated on the approved final plat.

SECTION 710 **DRAINAGE**

A drainage system shall be designed and constructed by the sub divider to provide for proper drainage of surface water into, within and through the subdivision for which preliminary plat approval is sought. The drainage system shall comply with the following requirements:

710.01 **Drainage Plan**

A preliminary subdivision plat, other than a minor or administrative subdivision, as herein defined, shall not be considered for final approval until the sub divider shall submit a drainage plan prepared by the City's Engineer or the Sub divider's Engineer regarding the existing and proposed drainage conditions. The plan may be included on the preliminary plat or attached to the final plat and shall include the locations of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and, where applicable as stated in paragraph 2 below, the impacts of such drainage on downstream drainage systems. The plan shall be based upon and include:

1. Estimates of the quantity of storm water and rate of flow of storm water entering the subdivision based upon a twenty-five (25) year storm.
2. Based upon a twenty-five (25) year storm, estimates of the quantity of storm water and the rate of flow of storm water exiting the land on which the subdivision is proposed prior to development and the quantity and rate of flow of storm water exiting the land in the proposed subdivision after development. Where the rate of flow of storm water exiting the subdivision after full development exceeds the rate of flow from the land in the proposed subdivision prior to development by more than fifty percent (50%), a description of the impacts on downstream properties and the adequacy of existing downstream drainage facilities shall be required.
3. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
4. Estimates of temporary erosions control measures necessary to control erosion during construction.

710.02 **DRAINAGE REQUIREMENTS**

The sub divider shall provide adequate drainage facilities within the subdivision including storm sewers determined to be necessary by the City Council as set forth in the Drainage Plan required for the subdivision in Section 710.01 immediately above and in compliance with the drainage systems standards set forth in Section 710.03 immediately below. If storm sewers are not necessary all open ditches shall be

graded and all pipes, culverts, intersectional drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans as set forth in the Drainage plan required for the subdivision in Section 710.01 immediately above and in compliance with the drainage systems standards set forth in Section 710.03 immediately below and approved by the City Council.

710.03 DRAINAGE SYSTEM STANDARDS

1. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches.
2. Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers a drain inlet structure and a protective grating shall be installed.
3. All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat. Where water courses would cross lots diagonally, the sub divider shall straighten such course and shall substantially follow lot lines.

SECTION 711 UTILITY INSTALLATION

Utilities shall be designed and constructed for all lots in the proposed subdivision. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install such utility in a street right-of-way, such shall be installed after grading is completed and approved and before any pavement base is applied. All in-street underground construction, water mains, sewer mains, gas mains, electrical power, cable television, etc., and all service connections shall be completely

installed through and across the street. Where the utility mains and lines are outside of the area to be paved, installations of service connections may be omitted, provided that at such time as these connections are needed, they may be drilled across the street without breaking or weakening of the street pavement.

Where rock is known to exist beneath the street pavement is at such depth as to interfere with the drilling of service connections, the complete installation of the service connections before paving of the street shall be required. In cases where underground utilities must be provided within a street right-of-way, such shall not be installed under the street paving unless specifically authorized by the City.

711.01 SANITARY SEWERS

A sanitary sewer system shall be designed and constructed for all lots proposed in a subdivision. The following types of sanitary sewage system and the requirements for same shall apply:

A. Within the Corporate Limits

Within the corporate limits of the City of Alma, a sanitary sewer collection system, including all pipes and manholes, shall be provided and said collection system shall be connected to the public sewage system in accordance with plans reviewed by the City Sewer Utilities Department or the City's Engineer and approved by the City Council.

B. Within Jurisdictional Area of the City

Within the one (1) mile planning and zoning jurisdictional area outside of the corporate limits of the City of Alma, as indicated on the Official Zoning Map of the City, a sanitary sewer collection system, including all pipes and manholes, shall be provided by the sub divider, or in the case of an authorized assessment district, by the City, and said collection system shall be connected to a public sewer of the City in accordance with plans reviewed by the Planning Commission and approved by the City Council if:

1. the proposed subdivision is so located with regard to an adequate public sewer, either existing or to be installed within one (1) year from the date of application for final plat approval, and

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3. said public sewer is located within two hundred (200) feet of the proposed subdivision or, a public sewer is located at a greater distance from the proposed subdivision, but the cost of installing the lateral and connecting sewers from all lots shown upon the final plat of the subdivision, exclusive of connections from individual structures, is equal to or less than one hundred fifty (150) percent of the cost of installing a privately operated sewage collection, treatment and disposal system to serve all lots shown on such final plat.

If a proposed subdivision is not so located relative to a public sewer, or is not to be platted as an addition to the City or will not be otherwise annexed by the City or connection to the municipal sewer system is not authorized by the City Council, a privately operated sewer collection, treatment and disposal system acceptable to the City Council or individual on-site sewage disposal systems, such as a septic tank and tile field, may be used. If individual on-site sewage disposal systems are to be used, the sub divider shall provide evidence that the soil percolation rates and topography comply with the requirements of Title 124 of the Nebraska Department of Environmental Quality on each lot proposed in the subdivision.

C. Standards

When applicable, improvement plans for a sewage collection system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, the type and capacity of treatment facilities, if applicable, and the location, type and size of all lift or pumping stations. The design of such sewage system shall be subject to approval of the City Council in accordance with the following standards:

1. The size and type of material of all sewer lines including service lines shall be as determined by the City.
2. Manholes shall be provided at all interceptor and lateral junctions, at the end of each line and at all changes in direction, grade and size.

711.02 WATER DISTRIBUTION SYSTEM

A water distribution system shall be designed and constructed to provide adequate water service to all lots in a proposed subdivision. The following types of water supply / distribution system and the requirements for same shall apply:

A. Within the Corporate Limits

Within the corporate limits of the City of Alma, a water distribution system, including all pipes, fire hydrants, valves and other appurtenances, shall be provided by the sub divider or in the event of an authorized assessment district, by the City, and said distribution system shall be connected to the public water supply system in accordance with plans reviewed by the Planning Commission and approved by the City Council.

B. Within Jurisdictional Area of the City

Within the one (1) mile planning and zoning jurisdictional area outside of the corporate limits of the City of Alma, as indicated on the Official Zoning Map of the City, a water distribution system, including all pipes, fire hydrants, valves and other appurtenances, shall be provided and said distribution system shall be connected to a public water supply system of the City in accordance with plan approved by the City Council if:

1. the proposed subdivision is so located with regard to an adequate public water main, either existing or to be installed within one (1) year from the date of application for final plat approval, and
2. said water main is located within two hundred (200) feet of the proposed subdivision or said water main is located at a greater distance from the proposed subdivision, but the cost of installing a public water distribution system serving all lots shown upon the final plat of the subdivision, exclusive of connections from individual structures, and connecting such system to an adequate

public water main, is equal to or less than one hundred fifty (150) percent of the cost of installing private wells on each lot shown on such final plat.

If a proposed subdivision is not so located relative to a public water main, or is not to be platted as an addition to the City or will not be otherwise annexed by the City or connection to the municipal water system is not authorized by the City Council, individual water supply wells or authorized connection to a rural water system may be used, provided that if on-site sewage disposal systems are also to be used, each lot shall be so situated so that the well to serve each lot shall be able to be located not less than one hundred (100) feet from any septic tank or tile field on the same lot or any abutting lot. In addition, the sub divider shall provide evidence that the soil percolation rates and topography comply with the requirements of Title 124 of the Nebraska Department of Environmental Quality on each lot proposed in the subdivision.

C. Standards

When applicable, improvement plans for a public water distribution system shall be provided showing main sizes, types of pipe, locations of fire hydrants, locations and types of valves and, if applicable, booster pumps and other appurtenances. The design of the water distribution system shall be subject to approval of the City Council and shall be designed in accordance with the following standards:

1. The minimum water main or pipe size shall be determined by the type of use(s) to be served and the provision of adequate fire flow capacities within the subdivision. Generally, water lines shall be at least six (6) inches in diameter.
2. The maximum distance between fire hydrants shall be determined by the City Council, but generally any portion of the proposed subdivision shall be within three hundred (300) feet of a fire hydrant.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the water distribution system within the subdivision shall require more than five hundred (500) feet of such line to be out of service in commercial and industrial use areas and eight hundred (800) feet of such line in residential areas. Valves on cross connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution mains.
4. The design and testing of all water lines shall be in accordance with applicable standards of the City and the Nebraska Department of Health.

SECTION 712 SHARED IMPROVEMENT COSTS

712.01 Oversize and Off-site Improvements

The utilities, street pavement and other improvements required for the proposed subdivision may be required by City Council to be oversized or extended to serve nearby land or anticipated future development. This determination shall be made at the sole discretion of the City Council, upon recommendation by the Planning Commission and in consultation with the Zoning Administrator and the City's Engineer.

712.02 Cost of Oversize Improvements

Minimum street pavement widths for all streets in a subdivision shall conform to the standards established in Schedule A of this Ordinance. Minimum utility main sizes shall be determined by the standards of the City and this Ordinance with regard to providing service to the subdivision in question. Where pavement widths or larger utility pipe or main sizes are deemed necessary, the City shall bear the additional cost of providing such greater width or larger main or pipe sizes. The sub divider shall be required to pay for that part of the construction costs for the arterial streets, trunk sewers, or major water distribution mains which would be equivalent to constructing the minimum streets and utilities which would otherwise be required to serve the subdivision in question.

712.03 Extensions of Improvement to Boundaries of a Subdivision

The sub divider may be required to extend streets, utilities, drainage or other improvements in a subdivision to the boundaries of such subdivision at the sub divider's expense to allow for service to future developments on adjoining lands, as recommended by the Planning Commission and required by the City Council.

712.04 Off-site Extensions

If a subdivision contains lots less than one (1) acre in size and streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in Sections 711 and 712 of this Ordinance and City Council determines that extensions of public water and/or sewer mains across undeveloped land are not warranted, the sub divider, if he/she wishes to proceed, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to approval of the final plat for such subdivision. Such improvements shall be available for use by sub dividers of adjoining lands, except that such sub dividers shall pay to the City an amount equivalent to the cost of construction of such off-site improvements and the City shall pay such amount to the sub divider who installed such off-site improvements.

712.05 City Participation

If a sub divider petitions the City Council requesting that the City pay all or any costs associated with the final plat engineering and / or construction of improvements with a subdivision, the Council shall first determine that a proposed subdivision meets the requirements of this Resolution and then determine whether financial participation by the City is warranted in accordance with the following conditions:

- A. The subdivision shall be platted as an addition to the City, or will be otherwise annexed to the City,
- B. The expenditure of public funds, in addition to any such expenditure normally provided by the City by the City, would be in the interest of the economic development of the City because the type of development proposed in the subdivision addresses a need of the City with regard to maintaining and / or enhancing the strength of the City's economy and enhancing the tax base.
- C. There is agreement between the sub divider and the City Council that the number of lots proposed in each final plat is reasonably consistent with market demand and the ability for the sub divider to market all lots created in each phase within five (5) years from the date of final plat approval.
- D. The reasonableness of the costs of such improvements and the prospect of the City recovering the costs of any such improvements and the engineering cost thereof through assessment districts, property and sales taxes, utility or other service fees, tax increment financing or other legal means within a reasonable period of time, with a maximum time frame being fifteen (15) years. (See restriction on assessment of costs, Section 713.03 of this Ordinance.)
- E. The subdivision is consistent with the prioritized growth areas of the City, as indicated in the City's Comprehensive Plan (Future Land Use Plan and Annexation Areas), and there will be a benefit to surrounding subdivisions in existence or proposed, with regard to the benefits of street extensions, utility extensions and drainage improvements.
- F. The subdivision can be adequately served by water, sewer, electrical and natural gas utilities without undue expenditures of public funds to extend services or expand capacities of such utilities,
- G. The City has the financial ability to pay such costs without undue impact on the budget of the City,

If the City Council determines that the proposed subdivision complies with the above conditions, the City Council may agree to pay for, finance or provide any part of the required improvements, as determined by the City Council.

SECTION 713 SUBDIVISION IMPROVEMENT GUARANTEES

Prior to recordation of any final plat approval, but after approval of the final plat and all subdivision improvement plans and specifications, the sub divider shall complete all improvements required for the subdivision. The final plat shall not be recorded until all improvements have been inspected and determined to be in accordance with the approved plans and specifications and until dedication of all appropriate improvements and acceptance thereof by the City Council. In lieu of completion of construction of all improvements prior to final plat recordation, the City Council may enter into an agreement with the sub divider whereby the sub divider shall guarantee to complete all improvements required by the City and this Ordinance. To secure such an agreement, the sub divider shall provide, subject to approval and acceptance of the City Council, one (1) or more of the guarantees set forth below:

713.01 Surety Performance Bond

The sub divider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska and acceptable to the City Council. The bond shall be payable to the City and shall be in an amount of one hundred ten (110) percent of the estimated cost of all improvements required to be installed by the sub divider. The estimated cost of such improvements shall be subject to review of the City Engineer and approval of the City Council. The duration of the bond shall be until such time as the improvements required to be installed by the sub divider have been installed, inspected and accepted by the City Council in accordance with Section 714.07 of this Ordinance.

713.02 Escrow Account / Irrevocable Letter of Credit

The sub divider shall provide an Irrevocable Letter of Credit running to the City of Alma, Nebraska or the sub divider shall deposit cash or other instrument readily convertible to cash at face value, either with the City or in escrow at a bank. The use of any instrument other than cash and the bank to hold such escrow shall be subject to approval by the City Council. The amount of the irrevocable letter of credit or escrow shall be equal to one hundred ten (110) percent of the estimated cost of all improvements required to be installed by the sub divider. The estimated cost of such improvements shall be subject to review of the City's Engineer and approval of the City Council. The sub divider shall file with the City Council an irrevocable letter or credit or an escrow agreement between the bank and himself / herself guaranteeing the following:

1. That the irrevocable letter or credit or funds in such escrow account shall be held in trust until released by the City and may not be used or pledged by the sub divider as security for any other matter during the period such funds are held in escrow.
2. That in the event of failure of the sub divider to satisfactorily install all improvements required of him / her, the bank shall immediately make the funds of such escrow account or guaranteed through irrevocable letter or credit available to the City for use in the completion of construction of such improvements.
3. As improvements are made by the sub divider and inspected and approved by the City, the amount of escrow or irrevocable letter or credit may be reduced accordingly, provided that at no time shall be amount held in escrow be less than one hundred ten (110) percent of the estimated cost of improvements which have not been installed or accepted.

713.03 Improvement (Assessment) District

Due to the fact that the City wishes to encourage new subdivision development in the City, but that it does not wish to place or assume unnecessary financial risks for the taxpayers of the City, which would result from unnecessary or unwarranted direct payment for improvements, the creation of improvement (assessment) districts for new subdivisions may be utilized whenever the City Council shall determine that the resulting assessments would be consistent with the Council's findings in Section 712.05 herein. Further to minimize the City's financial risk associated with a sub divider's default on the assessment payments, the use of such improvement (assessment) districts in relation to new subdivision development shall be limited as follows:

1. The sub divider and the City Council shall agree on the number of lots to be included in each final plat phase of the subdivision to relate the number of lots to be developed with a reasonable expectation that such lots can be sold within a period not exceeding five (5) years, or

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2. The sub divider shall provide a personal financial guarantee for the cost of subdivision improvements for which he / she shall be responsible and provide such documentation regarding the financial ability of the sub divider in association with said guarantee that is acceptable to the City Council.

713.04 Time Limits

Prior to granting of a final plat approval, the sub divider and the City Council shall agree upon a deadline for the completion of all subdivision improvements to be installed. Such deadline shall not exceed two (2) years from the date of final plat approval, provided however, the City Council may extend that deadline for one (1) additional year when the sub divider presents good cause for such extension and provides any additional surety made necessary due to inflation or increased cost of completing such improvements.

713.05 Failure to Complete Improvements

If any construction of any improvements required to be installed by the sub divider are not completed and accepted for dedication in compliance with Section 713.07 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the City Council shall take one (1) of the following actions:

1. Where improvements have been guaranteed under Section 713.01 of this Ordinance, the guarantee shall be forfeited to the City and the City shall use the proceeds from such guarantee to complete all improvements remaining to be installed.
2. Where improvements have been guaranteed under Section 713.02 of this Ordinance, the City shall declare whatever security that has been pledged as a guarantee to be forfeited and the City shall use the proceeds from such guarantee to complete all improvements remaining to be installed.

713.06 Default on Improvement (Assessment) District Payments

Should the sub divider have provided a personal guarantee in association with an improvement (assessment) district and should the sub divider than default on payment of such assessments, the City shall initiate action to attach and collect such personal guarantee and use all proceeds there from to complete all improvements remaining to be installed.

713.07 Inspection and Acceptance of Improvements

The City's Engineer or any other authorized official of the City shall regularly inspect construction of the required improvements. Upon completion of improvements, the sub divider's / City's engineer or such other authorized official shall file with the City Council a statement either certifying that the improvements have been satisfactorily completed or that defects in such improvements exist and the statement shall list all specific defects and actions appropriate to eliminate such defects. If defects exist, the City Council shall require the sub divider to eliminate all such defects within the time limits established for such improvements set forth in this Ordinance.

Upon satisfactory completion of all improvements, the sub divider shall file with the City Council, a signed statement stipulating the following:

1. That all required improvements have been installed and are complete and that all required improvements are in compliance with the minimum standards specified by the City.
2. That the sub divider knows of no defect in any improvement and that all required improvements are free and clear from any encumbrance or lien.

If the City's engineer or any other authorized official has certified that all required improvements are complete and free from defect, the City Council shall accept any dedication of such improvements. The City Council may accept the dedication of any portion of the improvements provided that all statements and agreements specified above shall have been received for the affected portion of the improvements.

714.08 Release of Guarantees

Upon acceptance, in accordance with Section 713.07 above, the City Council shall authorize the release of any outstanding surety or guarantee provided by the sub divider.

SECTION 714 OPERATION AND MAINTENANCE OF IMPROVEMENTS

Unless specifically agreed by the City Council, it is the intention of the City to provide no services other than planning, zoning and subdivision regulation administration, other than the provision of water and sewer utilities when authorized by the City Council in accordance with the conditions of Section 712.05 of this Ordinance, to the land area within the jurisdictional area of the City, but outside the corporate limits of the City of Alma, Nebraska. It shall therefore be the responsibility of the sub divider to present to the Planning Commission and City Council a precise approach for the operation and maintenance of streets and other subdivision improvements within a subdivision so located outside of the corporate limits of the City at the

time of request for final plat approval that annexation to the City is not feasible. Such approach shall include the formation and perpetuation of an owner's association or other method for generating the finances necessary for the proper maintenance and operation of the streets and other improvements within the subdivision. Such approach shall be binding on the sub divider in a form, agreement or contract acceptable to the City Council.

ARTICLE 8 VARIANCES AND EXCEPTIONS

SECTION 801 GRANTING OF VARIANCES TO THIS ORDINANCE

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the City Council may authorize variances from the requirements of this Ordinance, but only after determining that:

1. There are unique circumstances or conditions affecting the land being subdivided, that are not the result of action by the sub divider, which can be best addressed through varying the requirements of this Ordinance.
2. The variance(s) proposed are necessary for the reasonable and acceptable development of the land being subdivided.
3. The granting of the variance(s) will not be detrimental to the public or injurious to adjacent or nearby properties.

SECTION 802 MINOR SUBDIVISIONS

802.01 Determination

Upon request by the sub divider and determination by the Zoning Administrator, a subdivision may be deemed an exception to a portion of the requirements of this Ordinance and may be processed as a minor plat when it meets all of the following requirements:

1. Said subdivision contains three (3) or fewer lots all fronting on an existing improved (paved) street or contains not more than two (2) lots all fronting on an existing unimproved (paved) street. (*See requirements for approval as set forth in Section 802.02 below.*)
2. Said subdivision does not involve any new street, extension of public utilities or creation of the need for other public improvements.
3. Said subdivision will not adversely affect the remainder of the parcel from which is it being subdivided or adjoining property and is deemed by the Planning Commission to be a one-time occurrence and not a means of avoiding a preliminary plat on the whole of the contiguous property owned by the sub divider.
4. Said subdivision is not in conflict with any provision of the Comprehensive Plan, the City's Major Street Plan or the zoning regulations of the City or any other applicable section of this Ordinance.

802.02 Additional Requirements

1. In determining if a proposed subdivision qualifies as a minor subdivision, the Zoning Administrator shall search the property records and determine if the parent property (*existing as of the effective date of this Ordinance*) from which the proposed lots to be created has been previously subdivided *after the effective date of this Ordinance*. If the parent property has been previously after the effective date of

this Ordinance into any lots, tracts or parcels which are less than ten (10) acres in area, such previously platted lots, tracts or parcels less than ten (10) acres in area shall count toward the three (3) or two (2) lot limit set forth in Section 802.01, Subsection 1 above.

2. If a proposed minor plat contains not more than two (2) lots on an existing unimproved (unpaved) street, such plat may be approved with the condition that under the Owner's Certificate on such plat it shall state the following stipulation for the existing and any future owners of said lot(s) to be created:
 - A. The owner of each lot created by this plat shall agree to the formation of an assessment district for paving of the street on which such lots have frontage and shall agree to pay the amount assessed at such time as additional lots are proposed to be created from the same parent property or when an assessment district is proposed and created by the City.
3. If a proposed minor plat containing not more than two (2) lots where on-site water supply and sewage disposal is proposed on such lot(s), the requirements of Sections 711.01 and 711.02 may be waived, but with that condition that under the Owner's Certificate on such plat it shall state the following stipulation for any existing or future owners of said lot(s) to be created:
 - A. The owner of each lot created by this plat shall agree to pay a front footage assessment for the extension of water and/or sewer lines along the front or rear of such lot at such time as additional lots are proposed to be created from the same parent property or when a water and/or sewer line is provided by the City.

802.03 Information Waiver

In making a request for minor subdivision approval, the sub divider may propose that the normal requirements of providing of platting information including topographic data and other data normally required for final plat approval be waived. The Zoning Administrator may waive the requirements for such information unless he / she determines that any part of such information including a drainage report is needed to determine the appropriateness of said minor subdivision. The Planning Commission or City Council, when reviewing the minor subdivision, may require that such information be provided even though such waiver may have been granted by the Zoning Administrator.

802.04 Planning Commission and City Council Review

A minor subdivision application shall be deemed an application for final plat approval. The Planning Commission and City Council shall review said final plat for at least the following minimum requirements:

1. Conformity with the Comprehensive Plan, the Major Street Plan and the requirements of the applicable zoning regulations.
2. Correctness of the legal description, certifications, computations, lot data, monuments and markers, adequate drainage and such other information as may be deemed necessary by the Planning Commission or City Council.

802.05 Planning Commission and City Council Action

The Planning Commission may recommend approval, approval with conditions, or rejection of a minor subdivision final plat, and forward its recommendation to the City Council for action and acceptance of any dedication and recordation in accordance with the requirements of this Ordinance.

SECTION 803 ADMINISTRATIVE SUBDIVISIONS

803.01 Zoning Administrator Authority

The Zoning Administrator is hereby authorized to approve on behalf of the City, further subdivisions of existing platted lots whenever all required improvements have been installed, no new dedication of public rights-of-way or easements are involved, and such subdivisions comply with Comprehensive Plan, the Major Street Plan and all applicable zoning regulations. The Planning Commission Certification on such plat shall be replaced with a Zoning Administrator's Certification that such subdivision meets all requirements of an administrative plat and recording of such plat is so authorized.

803.02 Planning Commission Approval Waived

A recommendation of the Planning Commission for administrative subdivisions shall not be required and only the certification of the City Council shall be needed prior to recordation of an administrative subdivision.

ARTICLE 9 - ADMINISTRATION

SECTION 901 GENERAL

901.01 Authority

It shall be the responsibility of the Zoning Administrator to administer and enforce this Ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance with this Ordinance with regard to any subdivision within the jurisdiction of this Ordinance.

901.02 Limitation on Transfer of Real Estate

No owner, or agent of an owner of any parcel of land resulting from a subdivision of land within the jurisdiction of this Ordinance shall transfer or sell any parcel of land unless a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of this Ordinance and filed for record with the Harlan County Register of Deeds. Further any subdivision of land by use of metes and bounds description, including re-subdivision of platted lots, for the purpose of sale, transfer or lease which would evade the requirements of this Ordinance shall not be permitted. All such subdivisions shall be subject to the requirements of this Ordinance.

901.03 Limitation on Zoning Permits

No permit shall be issued for construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this Ordinance.

SECTION 902 OBJECTION PERIOD

Whenever any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the Office of the Harlan County Register of Deeds and the conveyance, or the recording thereof, has failed to comply with any requirement of this Ordinance, any party claiming an interest in such conveyance may file an affidavit with the Register of Deeds asserting that written notice of the defect in approval has been received by the City Council. Upon filing such affidavit, the City Council shall have one hundred twenty (120) days from the receipt of such notice of defect to record an objection in the Office of the Register of Deeds or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. Notwithstanding the validity of such conveyance, the subdivider shall not thus be relieved of any penalty imposed by this Ordinance for failure to comply with all the requirements of this Ordinance. Any conveyance of real estate under the jurisdiction of this Ordinance for public use shall be valid only upon express approval of the City Council.

To verify continued compliance with this Ordinance, the Zoning Administrator, shall, on a quarterly basis, review the land transfers which have been recorded in the Office of the Harlan County Registrar of Deeds which are within the City of Alma or within its one (1) mile planning, zoning and subdivision jurisdictional area. Whenever, a land transfer has occurred that is not in compliance with this Ordinance, the Administrator shall schedule a public hearing in front of the City Council to determine if adoption of a resolution indicating non-compliance with this Ordinance should be adopted and filed with the Registrar of Deeds in accordance with Neb. Rev. Stat. § 76-2, 110. A notice of the public hearing shall be mailed to the parties involved in the land transfer in question and at public hearing the City Council shall determine the appropriateness of adoption of such resolution.

SECTION 903 VIOLATIONS AND PENALTIES

Any person who shall dispose of, or offer for sale or lease, any lot or parcel of land under the jurisdiction of this Ordinance, until a plat thereof has been duly approved, acknowledged and recorded as provided in this Ordinance shall forfeit and pay fifty dollars (\$50.00) for each lot and part of a lot sold or disposed of, leased or offered for sale and/or shall be punishable in any other manner provided under applicable statutes of the State of Nebraska.

ARTICLE 10 - AMENDMENTS

SECTION 1001 AMENDMENTS

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until the Planning Commission shall have reviewed the proposal, conducted a properly advertised public hearing for which public notice is published in the legal newspaper of the City at least ten (10) days in advance of such public hearing, and after receiving public input shall have submitted a written recommendation of the Planning Commission to the City Council regarding such proposal.

The City Council, shall, at a properly advertised public hearing for which public notice is published in the legal newspaper of the City at least ten (10) days in advance of such public hearing, review the recommendations of the Planning Commission, review public input received at said public hearing and decide the appropriateness of such proposal.

ARTICLE 11 - LEGAL STATUS PROVISIONS

SECTION 1101 REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 2041-88 and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 1102 SEVERABILITY

Should any Article, Section or provision of this Ordinance be declared by a Court having jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than that part so declared to be unconstitutional or invalid.

SECTION 1103 ADDITIONS

All additions to the City of Alma, Nebraska which have heretofore been approved and accepted, and which may hereafter be laid out in accordance with the provisions of this Ordinance and accepted and approved, shall be and become incorporated into this City of Alma, Nebraska for all purposes whatsoever, and the inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all laws and regulations of the City of Alma, Nebraska, unless such incorporation into the corporate limits of the City is specifically exempted by the City Council.

SECTION 1104 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

PASSED AND APPROVED THIS _____ DAY OF _____, _____

Mayor

Attest: City Clerk

SCHEDULE A

MINIMUM STREET STANDARDS

City of Alma, Nebraska

<u>STREET CLASSIFICATION</u> (Feet)	<u>MINIMUM RIGHT-OF-WAY</u> (Feet)	<u>MINIMUM PAVEMENT WIDTH (Feet)*</u>	<u>MINIMUM NUMBER OF LANES</u>	<u>MINIMUM SHOULDER WIDTH (Feet)</u>	<u>MAXIMUM GRADE (%)</u>	<u>MINIMUM CENTERLINE RADIUS</u>
Arterial Street	80	**	2	4	7	775
Collector Street	60	34	2	4	7	300
Local Street	50***	27	2	4	10	200
Cul-de-sac or Loop Street	50****	27****	2	3	10	200
Marginal Access (Frontage Road - No Parking)	40	24	2	3	10	200

* Measured from back to back of curb

** Minimum pavement width for arterial streets shall be as determined by the City Council upon recommendation by the Planning Commission, but in no case shall said minimum pavement width be less than eleven (11) feet per driving lane.

*** Minimum right-of-way shall be increased to contain the full extent of any required cuts or fills.

**** Minimum right-of-way radius for the cul-de-sac turnaround shall be forty-five (45) feet. Minimum pavement radius for the cul-de-sac turnaround shall be forty (40) feet.