

## CHAPTER 153: SUBDIVISION REGULATIONS

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***GENERAL PROVISIONS*****§ 153.01 INTENT.**

The intent of this chapter is to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the city, for the coordination of streets or roads within subdivision of land with other existing or planned streets or roads, for adequate open spaces, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity. These regulations shall be held to be minimal requirements adopted for the promotion of public health and safety for general welfare, whenever the provision of any other ordinance required or imposing higher standards than are required by the provisions of this chapter, the provisions of such ordinance shall govern.  
(Ord. 775, passed 9-8-2015)

**§ 153.02 JURISDICTION.**

The City of Bayard shall exercise jurisdiction over all subdivisions within the area of one mile outside the city limits.

(Ord. 775, passed 9-8-2015)

**§ 153.03 DEFINITIONS.**

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

***SUBDIVIDER or DEVELOPER.*** Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

***SUBDIVISION (or SUBDIVIDE).***

(1) The separation, in any manner, of a parcel or tract of land into two or more lots for the purpose of either immediate or future transfer of ownership or of building or commercial land development. The definition includes resubdivision and shall relate to the process of subdividing or to the land subdivided. For the purpose of recording any separation of land, a plat of such division shall be submitted for approval in accordance with § 153.04.

(2) However, the following shall be exempt from the subdivision regulations:

(a) Division of land for agriculture purposes;

(b) The plat of a single separation of a lot for the purpose of a sale or a gift to a member of the immediate family of the property owner for that immediate family member's personal use in the Agriculture Zoning District. (The plat shall be recorded.) Only one such subdivision may be allowed per family member, and shall not be for the purpose of circumventing this subsection. A member of the family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

(c) Transfer of a lot or parcel by will, intestate succession or court ordered partition;

(d) Division of a lot to sell an existing home in the Agriculture District. (The plat shall be recorded.) However, the lot must be at least one acre and shall not be for the purpose of circumventing the subdivision regulations. (Developing speculation homes on land that is not subdivided prior to construction shall constitute circumventing the subdivision regulations).

(Ord. 775, passed 9-8-2015)

**§ 153.04 PROCEDURE.**

Any person, partnership, or corporation intending to subdivide land within the city's planning jurisdiction shall submit plans and plats as required by and specified by this chapter to the Planning Commission and the City Council for review and approval. There are four steps in the subdivision process:

(A) *Step 1. Sketch Plan.*

(1) A prospective developer shall present a sketch plan consisting of six copies to the Planning Commission. The concept plan serves as a preliminary step to inform the city on the proposed subdivision and to present the developer with guidelines and recommendations in developing a subdivision. The sketch plan shall be submitted at least ten days prior to the regular meeting of the Planning Commission at which the request will be heard.

(2) The following information shall be presented in the sketch plan.

(a) A copy of a deed or legal instrument identifying the applicant's interest in the property under consideration.

(b) A description of the type of uses proposed for the subdivision.

(c) A description of the type of water system proposed for the subdivision.

(d) A description of the type of sewer system proposed for the subdivision.

(e) A sketch plan drainage report shall be prepared.

(f) A description of the width and type of surface of all streets and sidewalks proposed within the subdivision.

(g) Any floodplain, soil or geologic hazard.

(h) A sketch plan vicinity map shall be drawn to scale showing the following:

1. The location of the proposed subdivision and its property boundaries.

2. The existing street and highway systems within 500 feet of the boundaries of the proposed subdivision.

3. All unimproved or proposed public right-of-ways within 500 feet of the boundaries of the proposed subdivision.

4. All public sewer, water, and storm drainage systems within 500 feet of the proposed subdivision.

5. Title, scale, date, and north arrow.

(i) A sketch plan subdivision map that is drawn to scale and clearly legible shall be developed which includes the following:

1. Title, scale, north arrow, name of the subdivision, township, range, section, quarter section, block and lot numbers.

2. The layout of blocks, lots, outlets, roads, accesses, utility easements, and open space scaled to the nearest foot.

3. Existing topographical contours at ten-foot intervals drawn from available data, such as the US Geological Survey maps.

4. Soil types by boundary, accompanied by a description of the soil type from the Morrill County Soil Survey.

5. Flood and geologic hazard areas, existing structures, utility lines, ditches, streams, lakes, drainage ways, vegetative cover, oil and gas production facilities, and any other structure or feature located within the proposed subdivision.

6. Any other information determined to be reasonably necessary by the Planning Commission or the City Council.

(3) The sketch plan will be reviewed by the Planning Commission and comments and recommendations shall be provided to the subdivider.

(4) *No fee.* The sketch plan filing does not require a formal application, fee or filing of a plat with the Planning Commission.

(B) An applicant shall submit an application for a change of zone as outlined in the city Zoning Code.

(C) *Preliminary plan.* A preliminary plan shall be submitted with the following information:

(1) A copy of a title commitment issued by a title insurance company.

(2) A certificate from the County Treasurer showing no delinquent taxes for the preliminary plan area.

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- (3) A description of the types of uses proposed for the subdivision.
- (4) A summary explaining how the developer will address any problems or concerns that were identified in the sketch plan.
- (5) The total number of lots proposed.
- (6) A description of the subdivision circulation system including road width, type and depth of road base and surface, width and depth of borrow ditches, curb and gutter, and vehicle parking arrangement. The circulation system shall also include a description of any sidewalks, bike paths, or trails.
- (7) A statement describing the ownership, function, and maintenance of any open space or park within the proposed subdivision.
- (8) A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.
- (9) A water supply resource report containing written evidence that adequate water service in terms of quality, quantity, and dependability is available for the type of subdivision proposed.
- (10) A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.
- (11) The proposed method of financing with an estimate of the infrastructure construction costs related to the proposed subdivision. Cost estimates shall include, but not limited to the following:
  - (a) Streets and related facilities;
  - (b) Water distribution systems;
  - (c) Storm drainage facilities;
  - (d) Sewage collection systems;
  - (e) Other utilities and infrastructure as may be required.
- (12) A list of all public utilities and water service providers located within 500 feet of the proposed subdivision.
- (13) A list of any covenants, grants of easements, and restrictions imposed upon any land, buildings, and structures within the proposed subdivision.

(14) A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the Morrill County Assessor to the owners of property of the surface estate within 500 feet of the property subject to the application. The applicant shall certify that such list was assembled within 30 days of the application submission date.

(15) A preliminary plan vicinity map shall be submitted showing the following:

(a) The perimeter outline of the proposed subdivision and the location of all existing and proposed accesses to the proposed subdivision.

(b) The location and name of all roads and highways within 500 feet of the perimeter of the proposed subdivision.

(c) The perimeter outline and identification of subdivisions, zone districts, and any special districts within 500 feet of the perimeter of the proposed subdivision.

(16) A preliminary plan plat shall be submitted showing the following:

(a) North arrow, subdivision name, total acreage, and legal description of the proposed subdivision.

(b) Lots and blocks shall be numbered consecutively. Lot dimensions shall be scaled to the nearest foot. The area of each lot shall be shown in acres except when lots are less than one acre they shall be shown in square feet.

(c) The street layout for the subdivision. All streets shall be named.

(d) The layout of future streets adjacent to the subdivision shall be shown as a dashed line.

(e) Topographical contour lines showing elevations.

(f) The location, size, and use of all existing structures and existing and proposed easements. This includes easements for water, sewer, electric, gas, and telephone lines. It also includes, but is not limited to, irrigation ditches, water mains, and fire hydrants.

(g) A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company or special district intending to service the subdivision. The block shall include:

1. The name of the utility company.

2. A dated signature and statement from the representative of the utility company indicating one of the following:

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- a. Service is available;
- b. Service is available subject to the following specific conditions;
- c. Service is not available for the subdivision.

(h) A drainage report.

(17) *Submission requirements.* The subdivider shall submit to the Planning Commission six copies of the preliminary plan and supplemental material specified with written application for conditional approval. The complete submittal shall occur at ten days prior to the regular meeting of the Planning Commission at which a request will be heard.

(18) *Fees.* A planning review fee shall accompany the application for preliminary approval. The fee shall be \$100 per subdivision. In addition, the applicants shall pay for any publication expense incurred by the city required by state statute and this chapter.

(19) The Planning Commission shall review the preliminary plan and make a recommendation to the City Council concerning approval, disapproval and/or modification of the preliminary plan after conducting a public hearing on the application.

(20) The City Council shall, at the request of the developer, hold a public hearing on the preliminary plan at which time the Council will approve, reject or approve as modified the preliminary plan taking into consideration the recommendation of the Planning Commission.

(D) *Final plat.*

(1) The preliminary plan must be approved by the City Council before a final plat can be submitted. A final plat shall be submitted for approval within one year of the date the preliminary plan has been approved by the City Council unless an extension of time is granted by the City Council within the one year's time.

(2) The final plat shall conform to the approved preliminary plan. The City Council may approve a modified final plat if changes reflect improvements in design. The following information shall be submitted as part of a final plat application:

- (a) A copy of a title commitment issued by a title insurance company.
- (b) A description of the type of uses proposed for the subdivision.
- (c) A summary explaining how the developer will address any problems or concerns that were identified in the preliminary plan.



(d) The total number of lots proposed.

(e) A description of the subdivision circulation system including road width, type and depth of road base and surface, width and depth of borrow ditches, curb and gutter, and vehicle parking arrangement. The circulation system shall also include a description of any sidewalks, bike paths, or trails.

(f) A statement describing the ownership, function, and maintenance of any open space or park within the proposed subdivision.

(g) A statement indicating if on-street parking will be permitted within the proposed subdivision.

(h) If the applicant is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent from the appropriate public agency stating it will accept the lands to be dedicated.

(i) A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.

(j) A water supply resource report containing written evidence that adequate water service in terms of quality, quantity, and dependability is available for the type of subdivision proposed.

(k) A copy of a contract or some tangible guarantee providing for a common water supply if water is required to be supplied by a water district or other.

(l) A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.

(m) A list of any covenants, grants of easement, and restrictions imposed upon any land, buildings and structures within the proposed subdivision.

(n) A copy of a Nebraska Department of Roads access permit if a new street intersects with a state highway.

(o) Proof of an existing easement or dedicated right-of-way when it is contiguous to an easement or right-of-way of the proposed subdivision.

(p) A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the County Assessor to the owners of property of the surface estate within 500 feet of the property subject to the application. The applicant shall certify that such list was assembled within 30 days of the application submission date.

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(q) A final plat map shall be submitted following the listed requirements:

1. The plat shall be delineated in non-fading permanent black ink.
2. The final plat shall contain the original signatures and seals of all parties required.
3. North arrow, subdivision name, total acreage, date, total acreage, total number of lots, name and address of the owner(s) of record, legal description of the proposed subdivision, and scale.
4. Lots and blocks shall be numbered consecutively. Lot dimensions shall be scaled to the nearest foot. The area of each lot shall be shown in acres except when lots are less than one acre they shall be shown in square feet.
5. All streets, walkways, and alleys shall be designated and identified by bearings and dimensions. All streets shall be named.
6. The location, size, and use of all existing structures and existing and proposed easements. This includes easements for water, sewer, electric, gas, and telephone lines. It also includes, but is not limited to, irrigation ditches, water mains, and fire hydrants.
7. A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company or special district intending to service the subdivision. The block shall include:
  - a. The name of the utility company.
  - b. A dated signature and statement from the representative of the utility company indicating one of the following:
    - i. Service is available.
    - ii. Service is available subject to the following specific conditions.
    - iii. Service is not available for the subdivision.
8. All land within boundaries of the subdivision shall be accounted for either as lots, easements, right-of-way, private street, alley, walkway, trail, or public area.
9. If the final plat is revised, a copy of the original final plat shall be provided for comparison purposes.

10. A final drainage report shall be submitted.

11. The following final plat supporting documents shall be submitted as part of a final plat application:

- a. A certificate from the County Treasurer showing no delinquent taxes for the final plat area.
- b. A title commitment or a title option covering all public dedications.
- c. A warranty deed, if required, deeding to the appropriate entity any lands to be used for the benefit of the public or owners of this subdivision.

12. The final plat shall contain the following certificates and seals:

a. Certificate of Dedication, Ownership, and Maintenance:

Know all persons by those present that \_\_\_\_\_ being the Owner(s), Mortgage or Lienholder of certain lands in Morrill County, Nebraska, described as follows: Beginning \_\_\_\_\_ containing \_\_\_ acres, more or less, have by these presents laid out, platted, and subdivided the same into lots and blocks, as shown on this plat, under the name and style of and do hereby dedicate to the public, school district, owners and future owners of this subdivision all ways, public rights-of-ways, easements, parks and open space, and other public right-of-way and easements for purposes shown hereon.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20

(Owner, Mortgagee, or Lienholder)

The foregoing dedication was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20

My Commission expires

Notary Public

Witness my hand and seal

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b. Surveying Certificate:

I, \_\_\_\_\_, a registered Professional Land Surveyor in the State of Nebraska do hereby certify that the survey represented by this plat was made under my personal supervision and checking. I further certify that the survey and this plat complies with all applicable rules, regulations, and laws of the State of Nebraska.

By: \_\_\_\_\_ Date  
Registered Land Surveyor

c. Certificate of Approval by the City Council:

This plat is approved by the Bayard, Nebraska Board of Trustees. Approval of this plat does not constitute acceptance of any dedication.

Witness my hand and the corporate seal of Bayard, Nebraska this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mayor, Bayard Board of Trustees, Nebraska

ATTEST:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Bayard City Clerk

(r) *Approval procedure.* The final plat shall be submitted to the Planning Commission for review. The Planning Commission shall recommend approval or rejection of the final plat to the City Council within 60 days of submission of the final plat to the Planning Commission after conducting a public hearing on the application.

(s) *City Council review.* Upon receipt of the recommendation of the Planning Commission, the City Council shall conduct a public hearing and consider the final plat. The City Council shall approve or disapprove the final plat within 60 days of presentation to the Council.

(t) *Approval dedication filing.* If the final plat is approved, such approval shall be indicated on the original plat and two copies by the Mayor and City Clerk. Approval of the final plat by the Mayor and City Clerk shall constitute acceptance of the dedication to public use of the streets, alleys and other public ways and places shown on the plat.

(u) *Fees.* A planning review fee shall accompany the application for final approval. The fee shall be \$100 per subdivision. In addition, the applicants shall pay for any publication expense incurred by the city required by state statute and this chapter.  
(Ord. 775, passed 9-8-2015)

**§ 153.05 GENERAL GUIDELINES.**

General considerations to be used by the Planning Commission and the City Council in evaluating and allowing a proposed subdivision:

- (A) Demand for the type of uses at the site in question.
- (B) Effect upon adjacent land uses.
- (C) Potential for traffic congestion or traffic hazards.
- (D) General suitability of the site in question for the development proposed.

(E) The development proposed shall conform to the zoning regulations for the zoning district in which it lies.

(F) The development proposed shall be in harmony with the city's Comprehensive Development Plan.

(G) The development shall meet the general intent of this chapter.  
(Ord. 775, passed 9-8-2015)

**§ 153.06 DESIGN GUIDELINES.**

Design and improvement considerations to be evaluated by the Planning Commission and City Council for proposed subdivisions:

- (A) Adequate water and sewer is available.
- (B) Storm water drainage is adequately controlled.
- (C) Street names shall have the names of existing streets when they are aligned.
- (D) No more than two streets shall intersect at one point.

(E) Sidewalks shall be constructed within a subdivision where required by the City Council. Sidewalks will be a minimum of four feet in width.

(F) Curbs and gutters shall be constructed in accordance with existing city regulations.

(G) All electric and communication utility lines and services and all street lighting circuits shall be installed underground, except for the following:

(1) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground and street lighting facilities.

(2) All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.

(3) Existing and new overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines.

(4) It shall not be necessary to remove or replace existing utility facilities used or useful in serving the subdivision.

(5) Deviations from requirements, other than those listed above, shall be permitted only with the approval of the City Council who shall make such approval only in cases of extreme difficulty. (Ord. 775, passed 9-8-2015)

#### **§ 153.07 FINAL PLAT DEVELOPMENT REQUIREMENTS.**

A proposed subdivision shall be developed in accordance with the approved final plat of the subdivision and all supporting data. These plats shall control and limit the use of the land in the subdivision as indicated on the plats.

(Ord. 775, passed 9-8-2015)

### ***REPLAT PROCEDURE***

#### **§ 153.10 REPLAT REQUIREMENTS.**

In the case where a subdivision involves the relocation of lot lines in two adjoining lots where no additional buildable lots are created, the subdivision shall be considered a replat and may be exempted

by a majority vote of the Planning Commission from §§ 153.04 and 153.06. This replat shall meet all other requirements of this chapter and shall follow the procedures for a replat as stated in this section. (Ord. 775, passed 9-8-2015)

**§ 153.11 REPLAT SUBMISSION REQUIREMENTS; SCALE AND CONTENTS OF REPLAT.**

(A) The original and six copies of the replat and other exhibits required for approval shall be submitted at least ten days prior to the regular meeting of the Planning Commission at which the request will be heard. The replat shall be drawn in ink on tracing cloth, Mylar, or similar material, and shall be at a scale of one inch to 100 feet or larger.

(B) The replat shall show the following:

- (1) Date, title, name and location of subdivision.
  - (2) Streets and street names, lots, setback lines, lot numbers, etc.; except that in industrial type subdivisions, lot designation may be excluded.
  - (3) Graphic scale and true north point.
  - (4) Monuments.
  - (5) Dimensions, angles and bearing, and complete legal description of the property.
  - (6) Sufficient engineering data to reproduce any line on the ground.
  - (7) Names of adjoining subdivisions or properties.
  - (8) Location, dimensions, and purpose of any easements.
  - (9) Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
  - (10) Certification by surveyor or engineer certifying to accuracy of survey and replat.
  - (11) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the replat as submitted.
  - (12) Certification recording approval by the City Council and acceptance of any dedications.
- (Ord. 775, passed 9-8-2015)

**§ 153.12 SUPPLEMENTARY DATA REQUIRED.**

The replat shall be accompanied by the following:

(A) Detailed construction plans of all required public improvements, said plans to be approved by the Engineer.

(B) A certificate by a certified engineer certifying that the subdivider has complied with all provisions of § 153.11.

(C) Protective covenants in form for recording.  
(Ord. 775, passed 9-8-2015)

**§ 153.13 APPLICATION TO REPLAT.**

(A) *Planning Commission review.* After review of the replat, the Planning Commission shall make a recommendation to the City Council concerning approval, disapproval and/or modification of the replat, after conducting a public hearing on the application.

(B) *City Council review.* Upon receipt of the recommendation of the Planning Commission, the City Council shall conduct a public hearing and consider the replat. City Council shall approve or disapprove the final replat within 60 days of presentation to the Council.  
(Ord. 775, passed 9-8-2015)

**§ 153.14 FEES.**

A plat review fee for a replat shall accompany the application for conditional approval. The fee shall be \$100 per replat. In addition, the applicant shall pay for any publication expenses incurred by the city as required by state statute and this chapter.  
(Ord. 775, passed 9-8-2015)

**§ 153.15 NOTIFICATION TO GOVERNMENTAL SUBDIVISIONS.**

The City Clerk shall notify the County Planning Commission, school districts and the community college of the filing of any preliminary and final plat applications and give the governmental subdivision ten days prior to the public hearing to officially comment on the appropriateness of the design and improvements proposed in the plat.  
(Ord. 775, passed 9-8-2015)



***PROCEDURE TO CLEAR TITLE OF EXISTING  
SUBDIVISION OR VACATING SUBDIVISION***

**§ 153.20 REQUIREMENTS.**

In the case where owners of lots of a subdivision cannot obtain a clear title due to lack of proper recording of the initial plat, the City Council may accept a plat of this subdivision providing no changes are made in the initial plat and it meets other requirements of this chapter.  
(Ord. 775, passed 9-8-2015)

**§ 153.21 SUBDIVISION REQUIREMENTS, SCALE AND CONTENTS OF FINAL PLAT TO CLEAR TITLE OF PRESENT LOT OWNERS.**

(A) The original and six copies of the final plat and other exhibits required for approval shall be submitted at least ten days prior to the regular meeting of the Planning Commission at which the request will be heard. The Planning Commission shall make a recommendation to the City Council concerning approval of the plat for the purposes of clearing title of an existing subdivision. The City Council shall consider the plat for purposes of clearing title of an existing subdivision at a public hearing and shall approve or disapprove the plat within 60 days of submission by the Planning Commission. The final plat shall be drawn in ink on tracing cloth, Mylar, or similar material, and shall be at a scale of one inch to 100 feet or larger. The initial plat submitted to the City Council may be used as the final plat if it meets the above requirements.

(B) The final plat shall show the following:

- (1) Date, title, name and location of subdivision.
- (2) Streets and street names, lots, setback lines, lot numbers, etc., except that in industrial type subdivisions, lot designation may be excluded.
- (3) Graphic scale and true point.
- (4) Monuments.
- (5) Dimensions, angles and bearings, and complete legal description of the property.
- (6) Sufficient engineering data to reproduce any line on the ground.
- (7) Names of adjoining subdivisions or properties.

- (8) Location, dimensions, and purpose of any easements.
- (9) Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- (10) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- (11) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- (12) Certification recording the approval by the Planning Commission.
- (13) Certification recording approval by the City Council and acceptance of any dedications.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.22 VACATING SUBDIVISIONS.**

Upon a petition of the owner of any lot or lots that have been subdivided and platted on approval of the City Council, the Council may consider vacating an approved subdivision and plat. The Council shall take into consideration the provisions of the Comprehensive Plan and the effect vacating the plat will have on adjoining subdivisions and properties subject to the city zoning and subdivision regulations. The Council shall consider whether, and, if any, what public streets, highways, alleys and public grounds that are to be retained by the city. Otherwise, such streets, highways, alleys and public grounds shall upon vacation of the plat revert to the owner or owners of the lots or lands abutting the same and proportions to the respective ownership of such lots or grounds. In the event the Council approves total or partial vacation of such plat or addition, the ordinance providing for vacation shall be, at the cost of the owner or owners, certified to the Office of the Register of Deeds and be recorded by the owner or owners, to insure compliance with Neb. RS 19-917.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.23 FEES.**

A plat review fee for a clear title of subdivision or vacation of subdivision shall accompany the application. A plat review fee for a clear title for subdivision shall accompany the application for conditional approval. The fee shall be \$100 per subdivision. In addition, the applicant shall pay all publication expense incurred by the city required by this Code and state statute and this chapter.  
(Ord. 775, passed 9-8-2015)

## ***SUBDIVISION DESIGN REGULATIONS***

### **§ 153.30 GENERAL REQUIREMENTS.**

(A) 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 adequate 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 prosperity of the community, or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities and streets, then the subdivision plat shall not be approved unless the subdivider formulates adequate methods for meeting such problems.

(B) All subdivision design shall conform to standards of the Comprehensive Development Plan and to the city Zoning Regulations.

(C) All required improvements shall be constructed or installed to conform to the provisions of this chapter and city specifications.  
(Ord. 775, passed 9-8-2015)

### **§ 153.31 STREETS.**

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

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

(B) *Dedication of right-of-way for new streets.* The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Comprehensive Plan or, if not shown thereon, shall meet the right-of-way requirements as provided in these regulations. All streets classified as

arterial streets by the Comprehensive Plan shall have all points of access approved by the Planning Commission. Marginal access streets may be required by the Planning Commission for subdivisions fronting on arterial streets.

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

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

(E) *Horizontal and vertical street curves.*

(1) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves provided in these regulations shall be required.

(2) Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the Planning Commission.

(F) *Street grades and elevations.*

(1) 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 be not less than 0.5%. The Planning Commission 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 for storms of a 25-year flood average in order that portions of the subdivisions will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles of 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. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights.

(2) Street grades shall conform to the minimum requirements provided in these regulations.

(G) *Marginal access streets.*

(1) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

(3) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission 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, 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.

(H) *Street jogs.* Street jogs with center line offsets of less than 125 feet shall be prohibited.

(I) *Cul-de-sacs.* Minor terminal or dead end streets or courts, which are designed so as to have one end permanently closed shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having a radius of at least 40 feet and right-of-way with a radius of at least 65 feet.

(J) *Street names.*

(1) 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.

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

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

(4) To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Engineer prior to such names being assigned or used.

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

(Ord. 775, passed 9-8-2015)

**§ 153.32 ALLEYS.**

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. The minimum width of an alley shall be 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 where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Planning Commission. Alleys shall be provided in residential areas, except in cases where the subdivider produces evidence that alleys are not needed which is satisfactory to the Planning Commission.

(Ord. 775, passed 9-8-2015)

**§ 153.33 BLOCKS.**

The lengths, widths, and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography.

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

(B) *Block widths and tiers.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, provided, that where this would require lots to front on an arterial street or highway or where

topographical conditions or the size of the property prevent two tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

(Ord. 775, passed 9-8-2015)

**§ 153.34 LOTS.**

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

(A) *Lot dimensions.* Lot dimensions shall conform to the requirements of the zoning regulations. Residential lots shall in no case be of less width than 70 feet and of less area than 7,000 square feet.

(B) *Corner lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

(C) *Access to lots.* The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

(D) *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 traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

(E) *Angle or side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(Ord. 775, passed 9-8-2015)

**§ 153.35 FLOOD HAZARDS.**

Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To insure that lots will be located only where they will provide flood-free building sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for easement of right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The

floor elevations of structures intended for human habitation shall be high enough to be above the level of 100-year frequency flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channels adjacent areas become more highly developed and run-off rates are increased.

(Ord. 775, passed 9-8-2015)

#### **§ 153.36 OFF-STREET LOADING AND PARKING FACILITIES.**

All lots or parcels platted shall provide sufficient space for off- street loading and parking facilities to meet the requirements of the zoning district within which said lot or parcel is platted.

(Ord. 775, passed 9-8-2015)

#### **§ 153.37 EASEMENTS.**

(A) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide. There shall be no buildings or accessory buildings on easements.

(B) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(Ord. 775, passed 9-8-2015)

#### **§ 153.38 COMMUNITY ASSETS.**

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

(Ord. 775, passed 9-8-2015)

#### **§ 153.39 CONFORMANCE WITH OTHER REGULATIONS.**

No final plat of land within the area of force and effect of existing zoning regulations will be approved unless it conforms with such regulations. Whenever there is a variance between the minimum



standards set forth in these regulations and those contained in the Building Code, or other official regulations, the highest standard shall apply.

(Ord. 775, passed 9-8-2015)

**§ 153.40 RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE.**

(A) *Reservation.* Before final plat approval is given the subdivider, he/she may be required to reserve sites for parks, playgrounds, open spaces and schools and other public land as determined by the Planning Commission to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition and/or use shall be for a period not to exceed three years from the date the plat is officially approved and recorded unless otherwise provided in these regulations.

(1) Where a park, playground, school or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the city may require the acquisition or accept the dedication or reservation of such area within the subdivision.

(2) Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision, and especially in large-scale developments not anticipated in the Comprehensive Plan, the city may request the dedication or reservation of such other areas or sites of a character, extent or location suitable to the needs created by such development for school, parks, and other neighborhood facilities.

(3) Where a tract of land is being subdivided includes land proposed to be used for parks under the duly adopted Comprehensive Plan, the subdivider shall indicate the location of such areas on the subdivision plat.

(4) Where a tract of land is being subdivided includes land proposed to be used for a future school site, under the adopted Comprehensive Plan, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for two years giving the Community School District the right to purchase the land at a negotiated value or at a value determined in the same manner as required by the Nebraska Statutes for proceedings under the power of eminent domain, plus one-half the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the school site not be purchased within the time limit specified above, the subdivider may then sell said site for an alternate purpose as shown on the approved subdivision plat.

(B) *Dedication.* Before final plat approval is given to the subdivider, he/she shall be required to dedicate to the public use all streets, alleys, buffer strips and parks as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the City Council and on the subdivision plat.

(Ord. 775, passed 9-8-2015)

## **§ 153.41 LARGE TRACTS OR PARCELS.**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical re-subdivision.  
(Ord. 775, passed 9-8-2015)

### ***REQUIRED SUBDIVISION IMPROVEMENTS***

## **§ 153.50 GENERAL REQUIREMENTS.**

(A) The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under city supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer. The minimum requirements for materials shall be in accordance with the standards currently in effect in the city, or as approved by the City Engineer. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Control and the Nebraska Department of Health shall be the minimum standards required.

(B) Schedules of improvements shall be prepared by the subdivider. The schedules shall contain standards and classes of construction which are consistent within the zoning districts as identified in the zoning regulations. The subdivider shall furnish copies of pertinent schedules and certificates of compliance as required by the City Engineer.

(C) All inspection costs and costs for required tests shall be paid by the subdivider.  
(Ord. 775, passed 9-8-2015)

## **§ 153.51 MONUMENTS, MARKERS AND PINS.**

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least 36 inches long and at least six inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one inch in diameter and at least 30 inches long may be used at all other points.  
(Ord. 775, passed 9-8-2015)

**§ 153.52 STREETS.**

(A) *Grading specifications.* All streets, roads and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts, all tree stumps, boulders, organic materials, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. Rock, when encountered with shall be scarified to a depth of at least 12 inches below the graded surface. In fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

(B) *Minimum pavement widths.* Pavement widths shall be measured between curbs. Minimum pavement or surface widths shall be provided as indicated in Appendix A to this chapter.

(C) *Street surfacing.* Street surfacing shall be provided in conformance with Appendix A to this chapter or as determined by the City Engineer. Any street surface of greater cost than the minimum required, shall be optional, and be borne by the developer or a paving district. The city shall not be responsible for any portion of this improvement, including intersections.

(D) *Curb and gutter.* Curb and gutter shall as a minimum be provided in conformance with Appendix A. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the city and as approved by the City Engineer.

(E) *Street name signs.* Street name signs, of a type in use throughout the city, shall be erected by the subdivider at all intersections.

(Ord. 775, passed 9-8-2015)

**§ 153.53 SIDEWALKS.**

Sidewalks shall conform with the following design standards:

(A) Each sidewalk should be four inches thick.

(B) Sidewalk shall be four feet wide unless connecting to existing sidewalks on both sides of a lot where there are three-foot sidewalks. In that case, the sidewalk shall be a minimum of three feet wide.

(C) Newly constructed sidewalks shall match existing sidewalks with reference to the distance from the curb. If there is no sidewalk in an area, then sidewalks shall be constructed along the curb.

(D) The repair or replacement of an existing sidewalk shall be done by putting the new sidewalk in the same location and constructing it of the same width as the previously existing sidewalk.

(E) Any property owner in the city repairing or replacing an existing sidewalk or constructing a new sidewalk shall first obtain a permit from the City Clerk. The excavation and location of sidewalk shall be approved by the city prior to the time that the sidewalk is actually filled with concrete.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.54 DRIVEWAYS.**

Driveways shall have a maximum grade of 10%. Driveway and curb cuts shall be located not less than three feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.55 STREET AND WALKWAY LIGHTING.**

(A) The subdivider shall install street lights in accordance with these regulations and as approved by the City Engineer.

(B) Such lights shall be located at each entrance (streets and walkways) to the subdivision. In addition, whenever the distance between two adjacent street (walkway) lights would exceed 300 feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.

(C) New subdivision street (walkway) lighting shall be installed with all associated wiring underground.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.56 LIGHTING STANDARDS.**

(A) Required minimum illumination levels (given in average maintained horizontal foot-candles on roadway).

<i>ROADWAY CLASSIFICATION</i>	<i>AREA CLASSIFICATION</i>	<i>REQUIRED LEVEL</i>
Major System (other arterials)	Commercial	2.0
	Intermediate	1.4
	Residential	1.0
Collector System	Commercial	1.2
	Intermediate	0.9
	Residential	0.6
Local System	Commercial	0.9
	Intermediate	0.6
	Residential	0.4

(B) *Required quality of light (uniformity).* Uniformity of light is expressed as a ration of the average amount of light compared to the minimum amount of light which occurs at some point along the roadway. Perfect uniformity would be a ratio of 1 to 1. This would not be practical or economical. Established practical standards for uniformity ("*An Informational Guide for Roadway Lighting*", American Association of State Highway and Transportation Officials (AASHTO) March 1976, page 12.) are:

(1) Residential areas: 6 to 1;

(2) All other areas: 4 to 1.

(Ord. 775, passed 9-8-2015)

**§ 153.57 UTILITY AND DRAINAGE FACILITIES.**

(A) *General.* Sanitary sewer, storm sewer, water distribution, electrical, gas, telephone, and communications cable, and all other utility lines shall be installed in alleys where practical. Where it is impractical to install such utility lines in alleys, they shall be installed within the unpaved portions of the street right-of-way except for sanitary and storm sewer lines, which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion.

(1) Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Planning Commission.

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(2) Where public water supply is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in the Zoning Regulations, provided, that in no case shall said minimum lot be less than one-half acre in area.

(3) When it is impossible to install sanitary and storm sewer lines in the unpaved portion of the street right-of-way all such utility lines, including service connections, shall be completely installed and inspected and approved by the City Engineer or Zoning Administrator, following the grading of the street and prior to the application of any pavement base.

(4) Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed, provided, that at such time as these service connections are installed, they shall be installed without breaking or weakening the existing pavement.

(5) Where rock is known to exist beneath the pavement area at such depth as to interfere with the installation of service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

(B) *Water supply improvements.* Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the county and the Nebraska Department of Health.

(C) *Sanitary sewer improvements.* The following requirements shall govern sanitary sewer improvements:

(1) Where an adequate public sanitary sewer system is annexed or within accessibility, in the determination of the Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the city standards and the Nebraska Department of Environmental Control and the Department of Health. Combinations of sanitary sewers and storm sewers shall be prohibited.

(2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:

(a) A central treatment plant for the group, provided that such central treatment plant is installed in accordance with city and Nebraska Department of Environmental Control and Department of Health requirements; or

(b) Lots may be served by individual disposal systems if the provisions of division (C)(3) below are met.

(3) (a) Where the installation of individual disposal systems is considered the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, groundwater level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the county and the Nebraska Department of Environmental Control and Department of Health.

(b) Each lot so served shall be of size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided, that in no case shall said minimum lot be less than one acre in area.

(c) Where the installation of individual disposal units is considered and where the average natural ground slope exceeds 10%, the installation of a step-up disposal system may be required subject to specification by the Planning Commission and the Board of Health.

(D) *Drainage improvements.* The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four feet per second in soil ditches or six feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facilities.

(E) *Storm sewers and storm water drainage.* Where an adequate public storm sewer system is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in division (D) above or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

(F) *Culverts and bridges.* Where natural drainage channels and irrigation laterals and canals and other irrigation systems intersect any street right-of-way, it shall be the responsibility of the subdivider to have bridges and/or culverts constructed. In addition to the requirements set forth in divisions (1) and (2) below, the bridges or culverts shall be constructed in accordance with the State Highway Department standards and specifications.

(1) All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be 18 inches. Depending on existing drainage conditions, head walls may be required.

(2) Driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

(G) *Erosion control.* The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City Engineer and the Planning Commission.

(H) *Fire protection.*

(1) Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street.

(2) Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

(3) The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the City Engineer and the Fire Chief.

(I) *Electric, gas, and telephone improvements.*

(1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric and street lighting wires, conduits and cables shall be constructed underground except in cases where the City Engineer determines that topographic, bedrock or underground water conditions would result in excessive costs to the subdivider.

(2) Overhead utility lines, where permitted, shall be located at the rear of all lots.

(3) Whenever a sanitary sewer line and electric and/or telephone lines are each placed underground in the same utility easement, the following provisions shall be applicable:

(a) The total easement width shall be not less than 20 feet; and



(b) The sanitary sewer line shall be installed within three feet of the easement boundary, and the electric and/or telephone lines shall be installed within three feet of the opposite side of the easement boundary.

(Ord. 775, passed 9-8-2015)

#### **§ 153.58 SHARED IMPROVEMENT COSTS.**

(A) *Over-size and off-site improvements.* The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Planning Commission and City Engineer.

(B) *Cost of over-size improvements.* Minimum street pavement widths shall conform to the standards given in Appendix A of this chapter. Where pavements widths greater than those specified in Appendix A are deemed necessary by the City Engineer and approved by the City Council, the city shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Commission and the City Engineer. The city shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in division (A) above.

(C) *Extensions to boundaries.* The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining un-subdivided land, as determined by the Planning Commission.

(D) *Off-site extensions.* If streets or utilities are not available at the boundary of a proposed subdivision, and if the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

(Ord. 775, passed 9-8-2015)

#### **§ 153.59 SUBDIVISION IMPROVEMENT GUARANTEES.**

(A) Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the Planning Commission and the City Engineer, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Planning Commission and shall dedicate same to the city in accordance with division (B)(7) below. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the city.

(B) In lieu of requiring the completion of all improvements prior to final plat approval, the city shall, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this chapter or otherwise specified by the Planning Commission, in a manner satisfactory to the Planning Commission. To secure this contract, the subdivider shall provide, subject to the approval of the Planning Commission, one of the guarantees provided in divisions (B)(1) through (4) below.

(1) *Surety performance bond.* The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the city and shall be in an amount to cover the entire cost, as estimated by the subdivider and approved by the City Engineer, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the city in accordance with division (B)(7) below.

(2) *Escrow account.* The subdivider shall deposit cash, or other instrument, readily convertible into cash at face value, either with the city, or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Commission. The amount of the deposit shall be at least equal to the cost, as estimated by the subdivider and approved by the City Engineer, of installing all required improvements. In the case of an escrow account, the subdivider shall file with the Planning Commission an agreement between the financial bank and himself/herself guaranteeing the following:

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

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

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

(4) *Special assessment.* The city may, at its discretion, enter into an agreement with the subdivider to pay the cost of the required improvements through the use of a special assessment. The

city shall make such arrangements for actual construction and interim financing as it deems appropriate, provided that construction of improvements in any section of the subdivision shall be completed in a time period not longer than would be allowed if another form of improvement guarantee were used.

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

(6) *Failure to complete improvements.* If any portion of the required improvements shall fail to be accepted for dedication in compliance with division (B)(7) below within the allocated time period, either for reason of incompleteness or for reason of substandard construction, the Planning Commission shall take one of the following actions:

(a) Where improvements have been guaranteed under division (B)(1) above, preliminary plat approval shall be revoked.

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

(7) *Inspection and certification.*

(a) The City Engineer, or other knowledgeable official as specified by the Planning Commission, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the City Engineer shall file with the Planning Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements. Upon completion of the improvements, the subdivider shall file with the Planning Commission a statement stipulating the following:

1. That all required improvements are complete;

2. That these improvements are in compliance with the minimum standards specified by the Planning Commission for their construction;

3. That the subdivider knows of no defects from any cause, in those improvements;

and

4. That these improvements on land to be dedicated to the city are free and clear of any encumbrance of lien.

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

(8) *Reduction of guarantee.* In those cases where improvement guarantees have been made under division (B)(2) above, the amount of the guarantee may be reduced upon acceptance, in compliance with division (B)(7) above of the dedication of a portion of the required improvements.

(9) *Release of guarantee.* Upon acceptance, in accordance with division (B)(7) above of the dedication of the final portion of improvements, the city shall authorize the release of the remaining portion of the improvement guarantee.  
(Ord. 775, passed 9-8-2015)

#### **§ 153.60 OPERATION AND MAINTENANCE.**

It is the intention of the city to provide no services other than planning and zoning administration to its area of planning and jurisdiction beyond the corporate boundaries of the city. Therefore, it will be the obligation of the subdivider to present to the Planning Commission and City Council a precise approach for the provision of these services. Said approach may include the formation of districts, homeowners' organizations or other methods to operate and provide for long term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is accepted by the City Attorney.  
(Ord. 775, passed 9-8-2015)

### *AMENDMENTS*

#### **§ 153.70 AMENDMENTS.**

Any provision of these regulations from time to time may be amended, supplemented, changed, modified, or repealed by the governing body according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report by the Planning Commission.  
(Ord. 775, passed 9-8-2015)

## APPENDIX A: STREETS

### Section

- A-1 Right-of-way width; dedications
- A-2 Paving minimum width; improvement
- A-3 Completion of subgrade; improvement; paving stops
- A-4 Curbs; gutters

### § A-1 RIGHT-OF WAY WIDTH; DEDICATIONS.

(A) The width of the right-of-way for streets and alleys in a subdivision, if shown on a master street plan adopted by the City Council, shall not be less than that shown on such plan; if not shown on such a plan, the width shall not be less than the following:

<i>STREET/ALLEY</i>	<i>WIDTH OF RIGHT-OF-WAY</i>
Street	
Arterial	80 to 150 feet As required by City Council
Collector	66 feet
Marginal access	50 feet
Minor	60 feet
Minor with parking restrictions	52 feet
Minor, one-way travel, parking on one side	46 feet
Alley	20 feet

(B) Provided, if the width of an existing arterial or collector street that is to be extended through the subdivision exceeds the foregoing minimum width, the width of the extended part shall be not less than the greater of the two widths. If the proposed subdivision abuts upon an existing street, the right-of-way of which is not as wide as is required by the preceding provisions of this section, the owner shall dedicate to public use as a street an adjoining strip of land of such width that the street, thus widened, will comply with the requirements of such provisions.

(Ord. 775, passed 9-8-2015)

### § A-2 PAVING MINIMUM WIDTH; IMPROVEMENT.

Every street and alley shall be improved as provided in § 153.52 to a minimum width. Minimum width, to be measured from gutter flowline to gutter flowline, shall be a follows:

**Bayard - Land Usage**

<i>STREET/ALLEY</i>	<i>MINIMUM WIDTH</i>
Street	
Arterial	As required by City Council
Collector	43 feet
Minor	37 feet
Minor with parking restrictions	30 feet
Minor, one-way travel, parking on one side	22 feet
Minor, one-way travel, parking on one side, center median	20 feet
Marginal access	33 feet

(Ord. 775, passed 9-8-2015)

**§ A-3 COMPLETION OF SUBGRADE; IMPROVEMENT; PAVING STOPS.**

(A) Upon completion of the subgrade, the roadbed of every street and alley shall be improved, at a minimum, with the following material:

(1) *Street, arterial.* A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of five-inch Portland Cement Concrete (PCC) or, alternatively, a four-inch stabilized base course with a four-inch asphaltic concrete wear surface (placed in maximum two-inch lifts).

(2) *Street, collector.* A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of a five-inch Portland Cement Concrete (PCC) or, alternatively, a four-inch stabilized base course with a four-inch asphaltic concrete wear surface (placed in maximum two-inch lifts).

(3) *Street, other.* A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of five-inch Portland Cement Concrete (PCC) or, alternatively, a four-inch stabilized base course with a two-inch asphaltic concrete wear surface.

(B) Provided, concrete paving stops, which shall be not less than five inches in thickness and 100 feet in length, shall be constructed at all approaches of asphaltic concrete streets to intersections with arterial or collector streets. Concrete curb and gutter also shall be constructed on all streets referred to in this section.

(Ord. 775, passed 9-8-2015)

#### **§ A-4 CURBS; GUTTERS.**

(A) *Curbs and gutters.* The section to be constructed shall be as identified on the approved plans or as shown on the detail drawings.

(B) *Sidewalks and bikeways.* Sidewalks shall be four inches thick if detached, or six inches thick if attached and constructed to the dimensions shown on the approved construction plans. All areas of sidewalk that shall be crossed by driveways shall be constructed with six-inch thick concrete. Bikeways shall be a minimum of five inches thick.

(C) *Crosspans and curb return fillets.* Crosspans and curb return fillets shall be six inches thick in residential areas and eight inches thick in commercial and industrial areas. Typical crossspan sections are shown on the detail drawing. Where unusual conditions prevail, additional reinforcing steel and special joints may be required by the City Engineer.

(D) *Curb cuts and driveways.* In commercial and industrial areas, curb cuts shall be provided at all driveway locations and at additional locations, as shown on the approved plans. Construction of curb cuts and spacing shall be as shown on the detail drawings.

(E) *Curb ramps.* Curb ramps shall be included on all new construction and reconstruction of curbs.

(Ord. 775, passed 9-8-2015)

