

**VILLAGE OF DUNCAN
PLATTE COUNTY, NEBRASKA
SUBDIVISION REGULATIONS**

ORDINANCE NUMBER

09-164

ADOPTED BY THE VILLAGE OF DUNCAN, NEBRASKA

May 4, 2009

TABLE OF CONTENTS

ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS	1
SECTION 1.01 NAME AND CITATION OF TITLES.....	1
SECTION 1.02 PURPOSE.....	1
SECTION 1.03 DEFINITIONS	1
ARTICLE 2: GENERAL PROVISIONS	5
SECTION 2.01 GENERAL PROVISIONS	5
SECTION 2.02 JURISDICTION	5
SECTION 2.03 POWERS	5
SECTION 2.04 APPLICABILITY	5
SECTION 2.05 INTERPRETATION	5
SECTION 2.06 CONFLICT	5
SECTION 2.07 PERMITS	5
SECTION 2.08 AMENDMENTS	5
SECTION 2.09 MODIFICATIONS	6
ARTICLE 3: PROCEDURES	7
SECTION 3.01 PROCEDURE FOR FILING PRE-APPLICATION PLANS AND DATA	7
SECTION 3.02 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT	7
SECTION 3.03 PRELIMINARY PLAT SPECIFICATIONS	8
SECTION 3.04 PROCEDURE FOR APPROVAL OF FINAL PLAT	9
SECTION 3.05 FINAL PLAT AND REQUIRED SPECIFICATIONS	9
SECTION 3.06 PLATS OUTSIDE CORPORATE LIMITS	10
SECTION 3.07 VACATION OF PLAT OF RECORD	10
SECTION 3.08 REPLATS	11
SECTION 3.09 ADMINISTRATIVE PLATS.....	11
ARTICLE 4: DESIGN STANDARDS	13
SECTION 4.01 MINIMUM DESIGN STANDARDS	13
SECTION 4.02 STREETS	13
SECTION 4.03 COMPANION EASEMENTS	13
SECTION 4.04 DEDICATION OF RIGHTS-OF-WAY FOR NEW STREETS	13
SECTION 4.05 DEDICATION OF RIGHTS-OF-WAY FOR EXISTING STREETS.....	14
SECTION 4.06 INTERSECTIONS	14
SECTION 4.07 CURVES IN STREETS; HORIZONTAL	14
SECTION 4.08 STREET GRADES AND ELEVATIONS	14
SECTION 4.09 FRONTAGE ROADS/MARGINAL ACCESS STREETS.....	14
SECTION 4.10 ACCESS/EGRESS	14
SECTION 4.11 STREET JOGS	14
SECTION 4.12 CUL-DE-SAC STREETS.....	14
SECTION 4.13 STREET NAMES.....	15
SECTION 4.14 PRIVATE STREETS AND RESERVE STRIPS	15
SECTION 4.15 BLOCKS	15
SECTION 4.16 LOTS.....	15
SECTION 4.17 THROUGH (DOUBLE FRONTAGE) LOTS.....	15
SECTION 4.18 EASEMENTS	15
SECTION 4.19 STORM SEWER SYSTEM	16
SECTION 4.20 SANITARY SEWER SYSTEM.....	16
SECTION 4.21 SIDEWALKS	16
SECTION 4.22 FLOOD HAZARDS	16
SECTION 4.23 CREEK SETBACK.....	17
SECTION 4.24 CONFORMANCE WITH OTHER REGULATIONS.....	17
SECTION 4.25 MINIMUM STREET STANDARDS	17

ARTICLE 5: REQUIRED IMPROVEMENTS	18
SECTION 5.01 GENERAL	18
SECTION 5.02 MONUMENTS AND MARKERS.....	18
SECTION 5.03 MONUMENT CONSTRUCTION.....	18
SECTION 5.04 STREET GRADING AND CONSTRUCTION.....	18
SECTION 5.05 STREET SIGNS AND LIGHTING, ELECTRICAL POWER, MAIL BOXES, GAS MAINS, AND HYDRANTS	18
SECTION 5.06 LANDSCAPE SCREENS.....	19
SECTION 5.07 SIDEWALKS	19
SECTION 5.08 DRAINAGE	19
SECTION 5.09 SANITARY SEWERS	20
SECTION 5.10 WATER MAINS	21
SECTION 5.11 COST OF OVER-SIZE IMPROVEMENTS.....	21
SECTION 5.12 EXTENSION TO BOUNDARIES	21
SECTION 5.13 OFF-SITE EXTENSIONS	21
SECTION 5.14 LAND PREPARATION	22
ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND.....	23
SECTION 6.01 DEDICATION	23
SECTION 6.02 RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE	23
SECTION 6.03 DETERMINATION OF DEDICATION OR FEE PAYMENT	23
SECTION 6.04 DEDICATION REQUIREMENTS	23
SECTION 6.05 FEE PAYMENT REQUIREMENTS.....	23
SECTION 6.06 DEVELOPER AGREEMENTS	24
SECTION 6.07 PRESERVATION OF LAND	24
ARTICLE 7: IMPROVEMENT PROCEDURE	25
SECTION 7.01 IMPROVEMENTS FINANCING, GENERAL	25
SECTION 7.02 SUBDIVISION IMPROVEMENTS GUARANTEES.....	25
SECTION 7.03 SURETY PERFORMANCE BOND	25
SECTION 7.04 ESCROW ACCOUNT.....	25
SECTION 7.05 IMPROVEMENT DISTRICTS	25
SECTION 7.06 TIME LIMITS	26
SECTION 7.07 INSTALLATION OF IMPROVEMENTS	26
SECTION 7.08 PLAN AND ADMINISTRATION REVIEW REIMBURSEMENT.....	26
SECTION 7.09 FAILURE TO COMPLETE IMPROVEMENTS	26
SECTION 7.10 CERTIFICATION AND INSPECTION	27
SECTION 7.11 REDUCTION OF GUARANTEES	27
SECTION 7.12 RELEASE OF GUARANTEE	27
SECTION 7.13 OPERATION AND MAINTENANCE	27
ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS	28
SECTION 8.01 GRANTING OF WAIVERS (EXCEPTIONS) AND CONDITIONS	28
SECTION 8.02 CLUSTERED/MIXED USE DEVELOPMENTS	28
SECTION 8.03 ANNEXATION OF ADJOINING OR CONTIGUOUS PROPERTIES	28
SECTION 8.04 PETITION FOR ANNEXATION	28
SECTION 8.05 AMENDMENTS	28
ARTICLE 9: ADMINISTRATION/ENFORCEMENT	29
SECTION 9.01 GENERAL	29
SECTION 9.02 VIOLATION/PENALTIES.....	29
ARTICLE 10: LEGAL STATUS PROVISIONS.....	30
SECTION 10.01 SEPARABILITY.....	30
SECTION 10.02 REPEALS	30
SECTION 10.03 EFFECTIVE DATE.....	30
SECTION 10.04 ADOPTION.....	30

ARTICLE 11: CERTIFICATION AND DEDICATION STATEMENTS.....	31
SECTION 11.01 ACKNOWLEDGE OF NOTARY	31
SECTION 11.02 SURVEYOR’S CERTIFICATION.....	31
SECTION 11.03 APPROVAL OF DUNCAN VILLAGE PLANNING COMMISSION	31
SECTION 11.04 ACCEPTANCE BY DUNCAN VILLAGE BOARD.....	31
SECTION 11.05 ACCEPTANCE BY THE DUNCAN VILLAGE ENGINEER.....	32
SECTION 11.06 ACCEPTANCE BY PLATTE COUNTY REGISTER OF DEEDS.....	32
SECTION 11.07 REVIEW OF PLATTE COUNTY SURVEYOR.....	32
SECTION 11.08 COUNTY TREASURER’S CERTIFICATIONS	32
SECTION 11.09 ADMINISTRATIVE PLAT APPROVAL.....	32
SECTION 11.10 OWNERS CERTIFICATION	33
SECTION 11.11 LIEN HOLDER CONSENT.....	33
 AN EXAMPLE OF A TYPICAL 3-ACRE SUBDIVISION	 314

ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1.01 Name and Citation of Titles

This Ordinance shall be known, referred to and cited as "The Subdivision Regulations" of Duncan, Nebraska.

Section 1.02 Purpose

The purpose of this Ordinance is to provide for the orderly development of Duncan and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts; open spaces; adequate community facilities and utilities, to coordinate development with the Village's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety and convenience of the community.

Section 1.03 Definitions

For the purpose of this Ordinance, certain words used herein are defined as follows:

- 1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.
- 1.03.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.
- 1.03.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.
- 1.03.04 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the Village Board which meets the intent of such security required by this Ordinance.
- 1.03.05 **BOUNDARY ADJUSTMENT**; shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
- 1.03.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back where the lot width shall meet the minimum lot width required in the district.
- 1.03.07 **CLERK** shall mean the Village Clerk of the Village of Duncan, Nebraska.
- 1.03.08 **CLUSTERED/MIXED USE DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 1.03.09 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Duncan, Nebraska, as adopted by the Planning Commission and the Village in accordance with the laws of the State of Nebraska and the ordinances of Duncan.
- 1.03.10 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.
- 1.03.11 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.
- 1.03.12 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.03.13 **DEVELOPER**. See "Subdivider".
- 1.03.15 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.
- 1.03.16 **FLOOD PLAIN** shall mean those lands which are subject to a one percent or greater chance of flooding in any given year.

- 1.03.17 **FLOODWAY** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 1.03.18 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the Arterial Street or highway for the purpose of increased traffic safety.
- 1.03.19 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Village Board or its specific approving authority.
- 1.03.20 **LOT** shall mean a parcel, tract or area of land created in conformance with this Ordinance that may be separately owned, used, developed or built upon and has access to at least one public street or private road.
- 1.03.21 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which combines and reduces the number of lots to not greater than two.
- 1.03.22 **LOT, CORNER** shall mean a lot abutting upon two or more streets at their intersection.
- 1.03.23 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.03.24 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 1.03.25 **LOT, FLAG** shall mean lots, being those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
- 1.03.26 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.03.27 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.03.28 **LOT LINE** shall mean the boundary line of a lot.
- 1.03.29 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.
- 1.03.30 **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.
- 1.03.31 **LOT, PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the Village and recorded in the office of the Register of Deeds for Platte County.
- 1.03.32 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Platte County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this Ordinance.
- 1.03.33 **LOT SPLIT** shall mean a subdivision involving the division of one or more lots with the end result not being greater than two lots.
- 1.03.34 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one street.
- 1.03.35 **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.
- 1.03.36 **MASTER PLAN** See Comprehensive Development Plan.

- 1.03.37 **MONUMENT** shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 1.03.38 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no zoning permit shall be issued for any private structure.
- 1.03.39 **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.
- 1.03.40 **PLANNING COMMISSION** shall mean the Planning Commission of Duncan, Nebraska.
- 1.03.41 **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 1.03.42 **PLAT, ADMINISTRATIVE:** shall provide for lots splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than four tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting.
- 1.03.43 **PLAT, FINAL** shall mean the final plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this Ordinance. Substantial conformance to an approved preliminary plat, prepared in accordance with Ordinance.
- 1.03.44 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.
- 1.03.45 **PLAT, REVISED PRELIMINARY** shall mean a revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.
- 1.03.46 **PROPERTY LINE ADJUSTMENT** shall mean the relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook ups.
- 1.03.47 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.03.48 **REPLAT** shall mean the act of platting the lots, parcels and easements in a recorded subdivision to achieve a reconfiguration of existing subdivision or to increase or decrease the number of lots in the subdivision.
- 1.03.49 **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the Village Board, private streets may be authorized as part of planned developments.
- 1.03.50 **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.
- 1.03.51 **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.
- 1.03.52 **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 1.03.53 **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 1.03.54 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than 10 acres in size.

- 1.03.55 **SUBDIVISION AGREEMENT** shall mean an agreement between the Village of Duncan and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements, for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative cost be borne by the developer and by the public entity.
- 1.03.56 **VILLAGE** shall mean the Village of Duncan, Nebraska. Also, Village Board or governing body.
- 1.03.57 **VILLAGE ADMINISTRATOR** shall mean the chief administrative person appointed and hired by the governing body of Duncan.
- 1.03.58 **VILLAGE BOARD** shall mean the governing body for the Village of Duncan, Nebraska.
- 1.03.59 **VILLAGE ENGINEER** shall mean the Village Engineer of the Village of Duncan retained by the Village Board for the recommendation, advice, and implementation of engineering work as requested by the Village.
- 1.03.60 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.03.61 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the Village of Duncan as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the Village and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the Village; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity to insure conformance of subdivision plans with the capital improvement program of the Village and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and Village Board.

Section 2.02 Jurisdiction

The provisions of this Ordinance shall apply to all land located within the legal boundaries of the Village, as the same may be amended by subsequent annexation, and shall also include all land lying within one mile of the corporate limits of the Village, or as indicated on the Official Zoning Map of the Village and not located in any other Municipality.

Section 2.03 Powers

No plat of a subdivision of land lying within the jurisdiction of the Village shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the Village Board and the Village Board has approved the final plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the Village, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (R.R.S. 1997) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any County, the Village, or any Village incorporated or unincorporated, within the jurisdiction of the Village, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916 (R.R.S. 1997).

Section 2.04 Applicability

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or re-platting of land or lots, except that the division of land when the smallest parcel created is more than 10 acres in area shall be exempt from this Ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 2.05 Interpretation

In interpreting and applying the terms of this Ordinance, subdividers shall be held to minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 2.06 Conflict

No final plat of land within the force and effect of the existing Zoning Ordinance shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 Permits

Unless a lot shall have been platted in accordance with the provisions of this Article, no building/zoning permit shall be issued.

Section 2.08 Amendments

Any provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the Village Board; provided, however, that such amendments shall not become effective until after public hearing and consideration by the Planning Commission; and a public hearing by the Village Board in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the Village of Duncan at least one time, 10 days prior to such hearing.

Section 2.09 Modifications

Where, in the case of a particular proposed subdivision, the subdivider can show that the strict compliance with this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography; or other such conditions not inflicted by the applicant; or where conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Village Board, after receiving a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the Village.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data

Pre-application Plans and Data: Prior to filing an application for approval of a preliminary plat the subdivider shall submit plans and data to the Village in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

- 3.01.01 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 3.01.02 A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, Village staff will inform the subdivider in writing whether such plans and data submitted meet the objectives of this Ordinance and shall describe any inconsistencies with the requirements of this Ordinance.

Section 3.02 Procedure for Approval of Preliminary Plat

- 3.02.01 Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the Village of Duncan or which is within a one mile limit of the Village of Duncan as it may from time to time exist or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat of said subdivision with the Village of Duncan. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to Village staff prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Village shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.
- 3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this Ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 3.02.03 Ten full sized copies and ten 11 x17 (folded) copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of this Ordinance shall be submitted to the Village of Duncan in accordance to the review schedule. The submission of materials shall be at least 21 days prior to the meeting at which it is to be considered. Village staff shall distribute one copy of the Preliminary Plat with a request for comments within four working days to each of the following:
 - 1. Village Engineer
 - 2. School Board
 - 3. Fire Chief
 - 4. Platte County, if located outside the corporate limits
 - 5. Loup Public Power District
 - 6. Cornhusker Public Power District
 - 7. Nebraska Department of Roads, when applicable
 - 8. Wherever else deemed necessary by the Planning Commission.
- 3.02.04 The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a newspaper of general circulation within the Village of Duncan, and will:
 - 1. Review the preliminary plat and other material submitted for conformity thereof to this Ordinance,
 - 2. Review any recommendations of the above agencies and other agencies, and
 - 3. Recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him/her.

The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof in writing.
- 3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.

- 3.02.06 If the Planning Commission recommends disapproval or approval, then the Village Clerk will order Notice of Public Hearing before the Village Board to be published. The notice must be published at least 10 days prior to the Public Hearing in a paper of general circulation within the Village of Duncan. The Village Board may (a) Concur with the Planning Commission's Recommendation; (b) Reverse the Planning Commission's recommendation; or (c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation.
- 3.02.07 Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval by the Village Board, if no Final Plat has been filed or a Final Plat of previously proposed phases has not been filed or unless extension of approval has been granted by Village Board and such extension shall not exceed 12 months.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of at least one inch to 100 feet with a sheet size not to exceed 42"x30" and shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 Both existing and proposed grades shall be shown.
- 3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 3.03.04 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion.
- 3.03.05 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible (all of which are licensed to practice in Nebraska) for the subdivision layout; and the names of all landowners abutting the proposed subdivision.
- 3.03.06 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.
- 3.03.07 Width and location of platted streets and alleys within 200 feet of the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required).
- 3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be prepared by a title company and submitted in list form and as mailing labels.
- 3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.
- 3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, Rights of Way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.
- 3.03.11 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.
- 3.03.12 Both existing and proposed grades shall be shown.
- 3.03.13 All established floodway, floodway-fringe, and flood plain overlay lines.
- 3.03.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
- 3.03.15 Three draft copies of the subdivision agreement with attached itemized cost estimate for all public improvements and detailed break down of portion of estimated costs to be borne by Subdivider and those to be borne by the Village, S.I.D. or other proposed issuer of public debt.
- 3.03.16 Three copies of an erosion and sediment control plan.
- 3.03.17 Requests for waivers of design standards.
- 3.03.18 The subdivider or subdividers representative shall be in attendance at the Village Planning Commission and Village Board Meetings when the Preliminary Plat (displayed in duplicate) is discussed.
- 3.03.19 Traffic impact analysis study may be required by the Village Engineer.

3.03.20 Four copies of the following to the Village for review at the time of preliminary plat submittal :

1. A sanitary sewer plan.
2. A preliminary drainage study, within the subdivision.
3. A street profile plan with a statement of proposed street improvements.

Section 3.04 Procedure for Approval of Final Plat

- 3.04.01 The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The Final Plat shall be submitted in accordance with the review schedule to the Village for Planning Commission and Village Board review.
- 3.04.03 Prior to approval of the Village Board, at least one reproducible copy (Mylar) of the final plat and 15 copies of the plat ((3) full size and (12) 11 x 17) shall be prepared as specified in this Ordinance and submitted to the Village at least 21 days prior to the meeting at which it is to be considered.
- 3.04.04 The Planning Commission shall approve or reject the Final Plat and have prepared a recommendation to the Village Board recommending approval or rejection. All reasons and findings for rejection shall be clearly stated.
- 3.04.05 The final approval by the Village Board shall be by Ordinance after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of these regulations. Notification of approval or rejection by the Planning Commission or Village Board shall be given to the subdivider within 60 days after submission of the Final Plat to the Planning Commission.
- 3.04.06 Upon approval of the Final Plat, a certification of approval by the Village shall be endorsed thereon by the Chairperson and the Planning Commission Chair, and the original shall be filed with the Platte County Register of Deeds, a record copy with the Village Clerk, and the two copies of the original with the developer/owner.
- 3.04.07 The final plat will be filed with the register of deeds within one year of the Village Board's approval. Evidence of such shall be submitted to the Village by the developer.

Section 3.05 Final Plat and Required Specifications

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of one inch to 100 feet with a sheet size not to exceed 42"x30"-accompanied by the following information:

- 3.05.01 Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- 3.05.02 Date, north arrow and graphic scale.
- 3.05.03 Lot designation, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown.
- 3.05.04 An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards for Surveys", as established by the Professional Surveyors Association of Nebraska.
- 3.05.05 Fractional lines and corners of the government township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
- 3.05.06 Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
- 3.05.07 Bearings, based on assumed meridian approximating North, of all boundary lines or internal angles of all angle points on the boundary shall be shown.
- 3.05.08 The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- 3.05.09 Adjacent subdivisions, streets, alleys and easements, with their widths and names.
- 3.05.10 Names and widths of the streets, and block and lot numbers (numbered consecutively).
- 3.05.11 Location of lots, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
- 3.05.12 All distances shall be shown in feet to the nearest one-hundredth of a foot.
- 3.05.13 A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 11.01.

- 3.05.14 A block for the certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 11.08.
- 3.05.15 A block for the approval of the Planning Commission as per Section 11.03.
- 3.05.16 A block for the approval of the Village Board to be signed by the Village Chairperson and attested to by the Village Clerk as per Section 11.04.
- 3.05.17 A block for the approval of the Village Engineer per Section 11.05.
- 3.05.18 A legal description including total acreage for the subdivision and individual lot areas.
- 3.05.19 A block for Certificate of County Register of Deeds as per Section 11.06.
- 3.05.20 A block of review from the Platte County Surveyor as per Section 11.07.
- 3.05.21 A block for the approval of the Lending Institution as per Section 11.11.
- 3.05.22 A block for Surveyors Certification as per Section 11.02.
- 3.05.23 Three copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 3.05.24 Prior to approval of the Village Board, a minimum of one reproducible copy (Mylar) of the final plat and 15 copies of the plat ((3) full size and (12) 11 x 17) shall be submitted as well as two electronic copies on a compact disc (AutoCAD 14 release and newer or compatible to the Village engineer and Platte County's needs furnished in DXF extension).
- 3.05.25 Plat Boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev State §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet and decimals of a foot shall be required in Duncan (Platte County) pursuant to Neb. Rev. Stat. §86-1603. State Plan Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.
- 3.05.26 Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.
- 3.05.27 Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private.
- 3.05.28 Development of an acceptable subdivision agreement prior to Village Board Action.
- 3.05.29 Waivers being requested.
- 3.05.30 Final Construction Plans
- 3.05.31 Approved drainage study
- 3.05.32 Final Plat shall then be submitted to the Village Board approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least 10 days prior to the Hearing in a paper of general circulation in the Village of Duncan.

Section 3.06 Plats Outside Corporate Limits

Procedure for approval of Final Plats of land within extraterritorial jurisdiction of Duncan and outside of the corporate limits shall be the same as set forth in this Article, except that one copy of the Final Plat shall be referred to Platte County with a request for their recommendations to be submitted to the Planning Commission. If no recommendations are received from Platte County within four weeks shall be deemed approved by Platte County. If a subdivision is located within both the Village's and County's jurisdiction then an agreement as to which subdivision regulations and standards shall be approved.

Section 3.07 Vacation of Plat of Record

- 3.07.01 A subdivider may make application to the Village to vacate any plat of record under the following conditions:
 - 1. The Plat to be vacated is a legal plat of record.
 - 2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
 - 3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.
- 3.07.02. The owner or owners shall present a proposal to the Village, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration send recommendations to the Village Board. The Village Board, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Platte County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

Section 3.08 Replats

Whenever a re-subdivision of a parcel consists of four or fewer lots, the Village may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Village Engineer, separate submission will not serve the public interest and will not conflict with the intent of this Ordinance. Concurrent Plats shall be:

- 3.08.01 Reprats shall be discussed with the Village at a scheduled pre-application Conference, as set out in Section 3.01.
- 3.08.02 Be submitted to the Village at least 21 days prior to the meeting in which it is to be considered or in accordance with the review schedule;
- 3.08.03 Be accompanied by the applications fees and completed application forms as required;
- 3.08.04 Follow the procedure set forth for herein and contain the required information Preliminary and Final Plats;
- 3.08.05 Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
- 3.08.06 Changes required by the Planning Commission shall be made prior to submission to Village Board. Final plans shall be submitted to the Village at least seven days prior to the next regular meeting of the Village Board.
- 3.08.07 A final plat, in conformance with Section 3.05, shall be submitted to the Village.
- 3.08.08 All requirements of Section 3.05 shall be met and a revised preliminary platting shall be required if the guidelines of section 3.09.03, 1 through 8 are found.

Section 3.09 Administrative Plats

3.09.01 The intent of this section is to provide for lot splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than three lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. Village staff shall review the administrative plat application and make a final determination.

3.09.02 Requests for an administrative plat approval shall be made by the owner or a designated representative of the land to the Village. The Application shall include four copies of a scale drawing of the lots involved if being split, four copies of the survey of the lot(s) and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split. Additional information required as part of the administrative plat shall include the following:

- 1. A survey of the lot(s),
- 2. Location of all existing structures(s),
- 3. Location and dimensions of the proposed administrative plat,
- 4. A block for Acknowledgment by Notary as per Section 11.01,
- 5. A block for Surveyors Certification as per Section 11.02,
- 6. A block for Certificate of County Register of Deeds as per Section 11.06,
- 7. A block of review from the Platte County Surveyor as per Section 11.07,
- 8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 11.08,
- 9. A block for the approval of the Village as per Section 11.09,
- 10. Size and number of copies shall conform to 3.05.24.
- 11. A block for the approval of the Village Engineer per Section 11.05.
- 12. Signatures of the Village Chairperson and attested by the Village Clerk.

3.09.03. Disapproval of administrative plat shall be based on the following guidelines:

- 1. A new street or alley is needed or proposed,
- 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed,
- 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc,
- 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument,
- 5. All easement requirements have not been satisfied,
- 6. Such action taken during an administrative plat will result in a tract without direct access to a street,
- 7. A substandard-sized lot or parcel will be created,
- 8. The lot has been previously split.

- 3.09.04 No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
- 3.09.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the Village Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
- 3.09.06 The filing fee for the administrative plat shall be in accordance to the Village's Master Fee Schedule.
- 3.09.07 After approval from the Village, all mylars must be certified by all applicable parties filed with the County Register of Deeds and two copies filed with the Village prior to the issuance of a permit.

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Minimum Design Standards

No subdivision shall be approved unless it is in conformance with the requirements of this Ordinance and the Comprehensive Development Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the Village has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Village that would eliminate or substantially reduce such hazards.

The Village may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit, and the preliminary plat shall show, a logical future street and utility system and logical re-subdivision.

Section 4.02 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 land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Village with recommendation from the Village Engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Village Engineer deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius at outside of the pavement of at least 35 feet or other approved design.

Section 4.03 Companion Easements

In order to promote on-site management of surface drainage or other public dedications, a developer may propose the use of companion easements in lieu of a portion of the required right-of-way for local or collector streets. Such easements shall be for utilities or other public purposes and shall be allowed in proportion to dedicated areas. Such easements may be authorized by the Village Board where:

1. The proposed subdivision contains sufficient area and design that approval of the option will not create a potential problem in the construction of streets,
2. Where areas for storm drainage control or public purpose are dedicated by easement or where a homeowners association is created and approved to provide perpetual maintenance of such common areas or where the Village accepts dedication to the public, and
3. The required rights-of-way are of sufficient width to accommodate future traffic needs consistent with the recommendations of the Comprehensive Development Plan and the standards set forth herein.

Section 4.04 Dedication of Rights-of-way for New Streets

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.25 of this Ordinance. Access to lots located on arterials and other arterials shall be approved by the Village.

Frontage roads or marginal access streets may be required by the Village for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 4.05 Dedication of Rights-of-way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in this Ordinance. 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 of an existing street, one-half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. Dedication of one-half of the right-of-way for a proposed street along the boundaries of land proposed for subdivision 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 the dedication of the other half of the right-of-way when adjoining property is subdivided.

Section 4.06 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 in residential areas and 30 feet in commercial and industrial areas. When the smallest angle of street intersection is less than 75 degrees, the Village may require curb radii of greater length. Whenever 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.

No lot or other parcel of land, which abuts on and has access to either a collector or minor street, shall have a service drive, curb cut, or other means of access to an arterial street within 75 feet of right-of-way or such arterial street. "T" intersections shall be offset a minimum of 150 feet, centerline to centerline. Intersections of more than two streets shall be avoided.

Section 4.07 Curves in Streets; Horizontal

A tangent at least 100 feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in section 4.25 of this ordinance.

Section 4.08 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 five tenths (0.50' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in section 4.25 of this Ordinance.

Section 4.09 Frontage Roads/Marginal Access Streets

Where a subdivision fronts on or contains an existing or proposed arterial street, the Village may require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street.

Marginal access streets may be required by the Village for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 4.10 Access/Egress

There shall be a minimum of two vehicular access points per platted subdivision. The Village Engineer shall determine the most suitable location for said access points during the review period.

Section 4.11 Street Jogs

Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

Section 4.12 Cul-de-sac Streets

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than 600 feet and shall provide a turnaround conforming to the requirements of Section 4.25 of this ordinance. The Village may approve alternative designs for a temporary turn-around. The length of the cul-de-sac shall be measured from the center of the turn-around to the center of the intersecting street. Rights-of-way and paving requirements shall comply with Section 4.25 of this ordinance.

Section 4.13 Street Names

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Village Board prior to such names being assigned or used.

Section 4.14 Private Streets and Reserve Strips

New private streets may be created as part of a Clustered/Mixed Use district, provided such streets are specifically authorized by the Village Board as an exception to the terms of the Ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Village as authorized in this Ordinance.

Section 4.15 Blocks

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed 1,320 feet and shall be a minimum length of 300 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for pedestrian circulation.

Section 4.16 Lots

The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of Public Street or approved Private Street. Side lot lines shall be substantially at right angles or radial to curved street lines.

Section 4.17 Through (Double Frontage) Lots

Double 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 of at least 10 feet in width shall be provided along the line of lots abutting such arterial street and the subdivider shall install 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 street. Such screen shall be installed prior to the issuance of a certificate of occupancy.

Section 4.18 Easements

- 4.18.01 Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least 16 feet wide or wider when required by the Village Engineer.
- 4.18.02 Where a subdivision is traversed by a major watercourse, drainage way, channel, or stream, there shall be provided to the Village a permanent storm water easement or drainage right-of-way such width as will be adequate for both water flow and maintenance operations as determined by the Village. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.
- 4.18.03 Easements across lots, centered on rear, or side lot lines shall be provided for utilities where necessary and shall be at least 16 feet in width; eight feet on each side of the lot line. A minimum of 10 feet, five feet on each side of a lot line, shall be allowed in those zoning districts that require a side yard of less than eight feet.
- 4.18.04 Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water handling capacity of the water course.
- 4.18.05 Where a subdivision is traversed by a water course, there shall be provided to the Village and Central Platte or Lower Loup Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

- 4.18.06 Perpetual easements shall be granted to the Loup Public Power District or Cornhusker Public Power District and any telecommunications entity or other corporation transmitting communication signals authorized to use the Village streets, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five-foot wide strip of land abutting all front and side boundary lot lines, and eight-foot wide strip of land abutting the rear boundary lines of all interior lots, and a 16-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said 16-foot wide easement will be reduced to an eight-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.
- 4.18.07 Perpetual easements shall be granted to all other utility providers, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas, sanitary sewer, and water on, through under and across a five-foot-wide strip of land abutting all cud-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Section 4.19 Storm Sewer System

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed 1.25 times the pre-development runoff rate at any time following post development, based upon a 10-year storm event. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops. In determining the size or type of storm sewer system the design shall be sufficient to handle the computed runoff at the point in question. For large drainage areas, the Village may require cross drainage structures such as culverts, bridges, etc. The Village may require retention or detention basins in order to control post-development run-off.

Section 4.20 Sanitary Sewer System

Design standards for sanitary sewers shall conform to Nebraska Department of Environmental Quality's Standards.

Section 4.21 Sidewalks

Sidewalks shall be labeled upon the improvement plans and installed by the property owner upon completion of the new primary structure. All required sidewalks shall be a minimum of four feet in width and four inches thick and shall have a cross slope of one-eighth inch per foot. However, in multiple family residential developments and non-residential developments said sidewalks shall be of a width suitable for the anticipated traffic but not less than four feet, as determined by the Planning Commission. Except where unusual conditions exist and exception is specifically granted by the Planning Commission, the following shall apply:

- 4.21.01 In the public way along both sides of all streets within the subdivision, in which case the edge of the sidewalk away from the property line shall normally be placed at a distance of one foot towards the street side.
- 4.21.02 Parallel to any streets abutting and/or running along the outer perimeter of the subdivision.
- 4.21.03 All sidewalks shall extend to the street pavement at all intersections at mid-block crossings where appropriate and shall be equipped with handicap access ramps.
- 4.21.04 In neighborhoods planned as clustered/mixed use developments, sidewalk locations may be adjusted to accommodate the most efficient pedestrian circulation through and to and from the development.
- 4.21.05 The commission may modify the requirements of this section, but only in instances where park, drainage, extreme topographic conditions or other unusual conditions make sidewalk installation non-essential or unnecessary on both side of the street.

Section 4.22 Flood Hazards

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 set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

Section 4.23 Creek Setback

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one slope plus 20 feet between the water's edge of the stream and the closest point on the structure at grade. As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions.

A property shall be exempt from the provisions of before mentioned upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the before mentioned may take the form of a certification to the adequacy and protection of the improvements installed by such governmental agency.

Prior to work on or near any watercourses all the necessary permits must be obtained from the Army Corp of Engineers or any other governmental agencies.

Section 4.24 Conformance with Other Regulations

No final plat of land within the Village or its jurisdictional area shall be approved unless it conforms to the existing zoning ordinance unless waived by the Planning Commission and Village Board in accordance with this Ordinance. Whenever there is a variance between the minimum standards set forth in this Ordinance and those contained in other regulations the most restrictive standard shall govern.

Section 4.25 Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³ (ft)	Minimum Pavement Thickness ⁴ (inches)
Arterial Street ⁶	80	44	2	6	(5)	(5)	9
Collector Street	70	36	2	10	300	300	8
Local Street	60	31	2	10 (average)	200	200	6
Cul-De-Sac ² and Loop Street	60	31	2	10 (average)	100	100	6
Marginal Access (Frontage Road) (No Parking)	40	25	2	8	100	100	6 (Res.) 8 (Com.) 8 (Ind.)
Minor Streets (No Parking)	50	27	2	10 (average)	200	200	6
Alleys	20						
Pedestrian	10						

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be 60 feet and the minimum pavement radius for the cul-de-sac turnaround shall be 35 feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the Village Engineer.
3. (VC) - Vertical Curve of road
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO
5. Per NDOR Standards or as directed by the Village Engineer.
6. All section line roads will be designated as arterial streets.

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 General

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the Village upon recommendation of the Village Engineer.

The work shall be done in accordance with specifications approved by the Village and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the Village. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Health and Human Services System shall be the minimum standards required thereof.

All inspection and testing costs shall be paid by the subdivider.

Section 5.02 Monuments and Markers

Monuments and markers placement shall be as follows:

5.02.01 Concrete monuments shall be located at all quarter section points or other reference points tied to the federal survey system on the boundaries of or within the area being platted.

Section 5.03 Monument Construction

Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

5.03.01 The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

5.03.02 The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths inch and minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

5.03.03 In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the Village Board.

Section 5.04 Street Grading and Construction

5.04.01. All streets shall be graded to a minimum 15 feet back of curb or edge of pavement and to within six inches of the street grade established in the approved final plat construction plans and specifications. Final construction plans shall be in conformance with specifications set forth by the Village Engineer.

5.04.02. Higher design standards may be required by the Village to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

5.04.03. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless accepted by the Village in accordance with the terms of this Ordinance.

5.04.04. The applicant shall comply with all NPDES requirements as administered by the Nebraska Department of Environmental Quality.

Section 5.05 Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and Hydrants

5.05.01 At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles.

5.05.02 The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Loup Public Power District or Cornhusker Public Power District (Subsequent providers) and Village Engineer.

5.05.03 New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.

5.05.04 Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the Village Engineer to be consistent with future parking restrictions.

Section 5.06 Landscape Screens

Landscape screens as required by the Village shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such screen shall be installed prior to the issuance of a certificate of occupancy.

Section 5.07 Sidewalks

Sidewalks shall be provided in conformance with the requirements of Section 4.21 and shall be constructed of Portland cement concrete or other acceptable material as approved by the Village. Sidewalk thickness shall not be less than four inches or otherwise directed by the Village. The subdivider need not install such sidewalks until building construction is completed on a lot by lot basis to avoid damage by heavy equipment. Sidewalks shall be constructed on any developed or undeveloped lot within six months, by the owner, after a directive from the Village.

Section 5.08 Drainage

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed 1.25 times the predevelopment runoff rate at any time following post-development, based upon a 10-year storm event. Storm Sewer shall be constructed and installed to provide adequate drainage in accordance with recommendations of the Village Engineer. In addition, the developer shall submit, a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be attached to the final plat and shall include an evaluation of the ability 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 the impacts of such drainage on downstream drainage systems.

5.08.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for 10-year and 100-year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

5.08.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a 10-year storm and capacities at critical points for 100-year frequency storm events.

5.08.03 Drainage Requirements The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the Village Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection 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 approved by the Village Board upon recommendation by the Village Engineer.

5.08.04 Drainage System Requirements All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches.

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 protective grating shall be installed.

All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.

All off-street drainage swales and ditches shall be protected by drainage easements notes on the Final Plat. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

- 5.08.05 Storm Drain Responsibility The subdivider shall be responsible for the entire cost and expense for the construction of all storm drain systems; provided, however, that the Village, through Village Board, may agree to contribute to and pay up to one-half the difference in cost as determined at the time of approval between the storm drain system requiring a storm drain 24 inches in diameter and one requiring a storm drain over 24 inches in diameter for plats located within the corporate limits, or to be annexed with the final plat approval. Village contribution shall be limited to the available funds appropriated for such purposes in the current fiscal year's budget, provided if requests for such subsidies exceed available funds appropriated for such purposes, the Village Board may establish by resolution, a system of priorities upon which to base Village contributions.

The dollar amount of Village participation for a particular subdivision shall be determined by the Village Board as of the date of acceptance of the Final Plat of such subdivision and shall be set forth in the ordinance approving and accepting such Final Plat. The Village's agreement to make such a contribution shall lapse if the storm drains are not constructed by the subdivider within two years after the date of acceptance of the final subdivision. The subdivider shall be responsible for the installation and maintenance of open ditches for surface drainage where permitted.

Section 5.09 Sanitary Sewers

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

- 5.09.01 Within the corporate limits, 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 acceptable to the Planning Commission and Village Board.
- 5.09.02 Within the jurisdictional areas of the Village but outside the corporate limits, if a proposed subdivision is so located with regard to adequate public sewer, either existing or to be existing within one year from the date of application for final plat approval, or that said sewer is located within 500 feet of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures; is equal to or less than 150 percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.
- 5.09.03 If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the Village Board and appropriate to the Nebraska Department of Health and Human Services and the Nebraska Department of Environmental Quality (or successor agencies) may be used. However, the Village may require the developer to provide a plan for future expansion of utilities including permanent easements. If on-site disposal is proposed, the subdivider shall document acceptable percolation rates on each lot and such lots shall be adequately sized to allow for the installation and safe operation of such systems in conjunction with any proposed water supply or well location.
- 5.09.04 Standards. When applicable, improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities, if applicable, and the location, type and size of all lift or pumping stations.

Design Standards of said system shall be subject to the approval of the Village in accordance with the following standards:

1. At least 8-inch sewer lines will be installed.
2. At least 4-inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size.

Design standard of said system shall be in general compliance with the requirements of the Nebraska Department of Environmental Quality (or successor agencies).

Section 5.10 Water Mains

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The following requirements shall apply:

- 5.10.01 Type of Improvement. Within the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the public water system in accordance with plans acceptable to the Planning Commission and Village Board.

Within the jurisdictional area of the Village but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one year from the date of application for Final Plat approval or that said water line is located within 500 feet of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than 150 percent of the cost of installing an individual water system for all lots, then adequate connecting lines to said public water system shall be constructed.

If the subdivision is not so located relative to a public water line, the Village may authorize a community well system. In addition, the Village may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision.

- 5.10.02 Standards. When applicable, improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances.

Design Standards of said system shall be subject to the approval of the Village in accordance with the following standards:

1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Water lines shall be a minimum of 6-inches in diameter.
2. All hydrants will be located at a maximum of 600-foot intervals, unless otherwise authorized by the Village. The layout and flow design must meet the minimum requirements as set forth by the Village.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 500 feet to be out of service in Commercial and Industrial districts or 800 feet in other districts.

Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines

Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Health and Human Services (or successor agencies).

Section 5.11 Cost of Over-size Improvements

Minimum street pavement widths for streets shall conform to the standards established in Section 4.25 of this Ordinance. Minimum utility sizes shall be determined by the standards of the Village with regard to providing service to the subdivision in question.

Where pavement widths or larger pipe or main sizes are deemed necessary by the Planning Commission and Village Board, the Village may choose to bear the extra cost of providing such greater width or larger pipe or main sizes. The subdivider shall be required to pay for that part of the construction costs for the Arterial streets, trunk sewers, or water mains which are serving the proposed subdivision as determined by the Planning Commission and Village Board. The Village shall pay the remainder of the costs.

Section 5.12 Extension to Boundaries

The subdivider may be required to extend all necessary improvements to the boundaries of the proposed subdivision at his/her expense to allow for services to future anticipated developments on the adjoining lands, as determined by the Planning Commission and Village Board.

Section 5.13 Off-site Extensions

If streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in this Article and the Planning Commission determines that extensions across undeveloped areas are not warranted, the subdivider, if he/she wishes to proceed with the development, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the Final Plat. Such improvements shall be available for connections by subdividers of adjoining lands subject to Village approval.

Section 5.14 Land Preparation

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the Village or as approved by the Village Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.

As land preparation is completed, the subdivider, any successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or any successors and assigns.

ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 6.01 Dedication

As a condition of final plat approval, the subdivider shall dedicate to the public all streets and alleys and easements as may be required by the Village of Duncan. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom 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 is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes. The agreement by which the legal assurances are proved shall be a covenant running with the land in form acceptable to the Village and enforceable by the Village.

Such provisions shall also provide for agreement of the property owners that if the Village is requested or required to perform any reconstruction, maintenance, repair, or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the Village and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 6.02 Reservation and Dedication of Public Land and Open Space

Before preliminary or final plat approval is given, the subdivider shall reserve at least 10 percent of the total property suitable for parks, playgrounds, open space and other common areas for public use in conformance with the Comprehensive Development Plan, as determined by the Planning Commission and Village Board. Reservation of land for public acquisition and/or use shall be for a period not to exceed two years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the Village or other governmental entity within said two year period, the subdivider may then re-subdivide the site for alternative purposes and sell any portion of or the entire site.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the Planning Commission and Village Board may require the immediate acquisition, reservation or accept the dedication of such area. Where necessary, The Planning Commission and Village Board may require the subdivider to reserve up to 20 percent of the total property for public use.

Section 6.03 Determination of Dedication or Fee Payment

Before preliminary or final plat approval is given, the Village Board will determine, after consultation with Village Staff, if the subdivider shall dedicate reserve sites for parks, playgrounds, open space, trails, and other public land consistent with the Comprehensive Development Plan, or pay a designated fee in lieu of said dedication. Such determination shall be provided to the subdivider in written form, and shall become part of the subdivision agreement.

Section 6.04 Dedication Requirements

Before preliminary or final plat approval, the subdivider shall convey any dedication of land for parks, playgrounds, trails, or other public spaces as described in Sections 6.02 and 6.03 to the Village of Duncan in the following manner:

1. Subdivider shall provide the Village with an affidavit of title to such real estate
2. Subdivider shall provide the Village with a deed conveying fee simple title
3. Said title shall be free and clear of all liens or encumbrances
 - A. Liens or encumbrances dischargeable by cash accompanying said deed are exempt
 - B. Current real estate taxes are exempt
4. Commitment for title insurance issued by a title insurance company acceptable to the Village Board for a period of not more than 30 days prior to the date of conveyance in an amount equivalent to the fair market value of the land that is being dedicated to the Village.

Section 6.05 Fee Payment Requirements

If the subdivider is directed to provide the Village with a fee payment in lieu of parkland dedication, it shall be done in the following manner:

1. The subdivider shall pay the Village, upon approval of the final plat, either the amount listed in the Village Master Fee Schedule per lot based on the total number of lots shown on the final plat OR an amount equal to 115% of the most ascertainable taxes for the year pro-rated to the date that the deed is delivered.
2. The Village shall hold all collected funds in trust to be used for the purchase and/or development of park and associated facilities

Section 6.06 Developer Agreements

The sections of this article may be implemented through a subdivision agreement between the developer and the Village so long as the time and manner of compliance of this article and other provisions of these regulations are adhered to.

Section 6.07 Preservation of Land

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

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Improvements Financing, General

In order to provide consistent information concerning the financing of required subdivision improvements; establish and equitable division of costs between the developer and Village; and to insure orderly, cost effective growth in Duncan, the Village shall require that the developer pay for the following services and improvements indicated as part of the subdivision process.

7.01.01 All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.

7.01.02 Unless otherwise agreed to by the Village in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 6.

Section 7.02 Subdivision Improvements Guarantees

Prior to the Final Plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final Plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the Village.

In lieu of requiring the completion of all improvements prior to the Final Plat approval, the Village Board may enter into an agreement with the subdivider and subdivider shall guarantee to complete all improvements required by this Regulation and approved by the Village in a manner satisfactory to the Village. To secure this agreement, the subdivider shall provide, subject to the approval of the Village Board, one or more of the guarantees set forth in Section 7.03 and 7.04 below.

Section 7.03 Surety Performance Bond

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the Village and shall be in an amount to cover 110 percent of the cost of all improvements, as established by the subdivider and accepted by the Village Board upon recommendations of the Village Engineer. The duration of the bond shall be until such time as the improvements are accepted by the Village Board in accordance with this Ordinance.

Section 7.04 Escrow Account

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the Village Board or in escrow with a bank. In lieu 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 Village Board. The amount of the deposit shall be an amount equal to 110 percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the Village Board upon recommendation of the Village Engineer.

In the case of an escrow account, the subdivider shall file with the Village Board an agreement between the bank and himself guaranteeing the following:

7.04.01 That the funds of said escrow account shall be held in trust until released by the Village Board and may not be used or pledged by the Subdividers as security in any other matter during that period.

7.04.02 That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the Village for use in completion of the improvements.

Section 7.05 Improvement Districts

7.05.01 As to those portions of the subdivision that are situated within the corporate limits of the Village, the developer may petition the Village to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the Village's financial condition, the Village's evaluation of risk of failure or delay in subdivision buildout, or other sufficient reason as determined by Village, the Village may or may not grant the Subdivider's request. In the event the Village creates assessment districts, the subdivider shall deposit with the Village funds equal to 20 percent or less of the cost of improvements as determined from the Village Engineer's estimates prior to receipt of bids and award of contracts. The Village may finance up to 80 percent of the cost of construction of said improvements. Such petition shall be in the form prescribed by the Village and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the Village prior to the time of the Village's approval of the Final Plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The Village shall, in no event, be bound to form such a district, and if such a district is formed, the Village shall not be required to install improvements therein until, in the opinion of the

Village, economic conditions warrant such installation; provided, the Village shall have the right to limit the size of the final plat if the area of the tentative plat is more than ten acres.

- 7.05.02 As to those portions of the subdivision that are situated outside the corporate limits of the Village but within the zoning jurisdiction of the Village, the developer may cause such improvements to be constructed by a street improvement district or sanitary improvement district in accordance with the appropriate state law. However, the Village Engineer shall not certify to the Village that the required improvements have been satisfactorily arranged for until the developer presents certified evidence that the improvement district has been duly formed and has adopted a resolution of necessity authorizing a contract for the required work in that portion of said road improvement district or sanitary improvement district included in the Final Plat. It is further provided, however, that if the Village has approved a Final Plat for a phase of the area comprised in the Preliminary Plat, the developer may submit for final platting the next phase only if the required improvements have been installed in the first phase, or have been contracted for as above provided in the phase comprised in the Final Plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

Section 7.06 Time Limits

Prior to the granting of Final Plat approval, the subdivider and the Village Board shall agree upon a deadline for the completion of all improvements. Such deadlines shall not exceed two years from the date of Final Plat approval, provided, however the Village Board may extend that deadline for one additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Section 7.07 Installation of Improvements

Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

- 7.07.01 They may install required improvements upon acceptance of plans and specifications being approved by the Village Board.
- 7.07.02 They may submit a petition requesting the Village to construct street surfacing and sanitary sewer in the proposed subdivision by the district method. In the event, the developer shall have plans and specifications prepared and pay all costs for same, approved by the Village staff, Village Engineer, and Village Board for all such improvement districts. The Village shall assess the cost of such improvements to the adjacent property as provided by law.

Section 7.08 Plan and Administration Review Reimbursement

The subdivider of Sanitary and Improvements District shall reimburse the Village for such costs incurred by the Village for Plan Review, Plan Check, and Plan Approval as to conformance with approved Village Standards and Specifications.

Subdivider shall pay to the Village an amount to one percent of the actual construction cost of Subdivider paid improvements as administrative expenses incurred by the Village in connection with the administration of this Agreement. Estimated payment shall be made on the basis of one percent of the construction and/or installation cost estimates for the various improvements computed by the Subdivider's engineer, which estimated amount shall be paid to the Village at the time the plans and specifications are submitted to the Village for Village final review approval.

Section 7.09 Failure to Complete Improvements

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 7.09 below within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the Village Board shall do one of the following:

- 7.09.01 Where improvements have been guaranteed under Section 8.03 of this Ordinance, the bond shall be forfeited to the Village.
- 7.09.02 Where improvements have been guaranteed under Section 8.04 of this Ordinance, the Village Board shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the Village Board is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the Village Board shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 7.10 Certification and Inspection

Upon completion of the improvements, the developer or designated agent shall file with the Village a statement either certifying that the improvements meet the requirements of the Village or provide a statement indicating the improvements do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider through use of a registered professional engineer shall file with the Village a statement stipulating the following:

7.10.01 That all required improvements are complete.

7.10.02 That these improvements are in compliance with the minimum standards specified by the Village.

7.10.03 That there are no known defects from any cause in the improvements.

7.10.04 That these improvements are free and clear of any encumbrances or lien.

If the Village Engineer or other authorized person has certified that the improvements are complete and free from defect, the Village shall accept any dedication of improvements. The Village Board may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

The developer or other authorized person shall regularly inspect condition of required improvements for defects.

Section 7.11 Reduction of Guarantees

In those cases where improvement guarantees have been made under Section 7.03 or 7.04 of this Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 of the dedication and acceptance of a portion of the improvements.

Section 7.12 Release of Guarantee

Upon acceptance, in accordance with Section 7.01 and 7.02 of the Ordinance, the Village shall authorize the release of the performance bond or the remaining portion of the escrow.

Section 7.13 Operation and Maintenance

It is the intention of the Village to provide no services other than planning, zoning and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the Village. Therefore, it shall be the obligation of the subdivider to present to and the Village, a precise approach for the operation and maintenance of improvements in the subdivision. Said approach may include formation of districts, homeowners associations or other methods to operate and maintain such improvements. Said approach shall be binding on the subdivider in a form, agreement, or contract acceptable to the Village.

ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS

Section 8.01 Granting of Waivers (Exceptions) and Conditions

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the Village Board may grant waivers from the provisions of this Ordinance, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 8.02 Clustered/Mixed Use Developments

The Planning Commission and Village Board may also grant reasonable waivers to this Ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Clustered/Mixed Use Development. The subdivider shall indicate where the plans vary from the requirements of this Ordinance and shall present evidence to support such requests.

Section 8.03 Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon the completion of the necessary Public Hearings, the approval of and acceptance by Ordinance of the Village Board, §(Section 19-916).

Section 8.04 Petition for Annexation

Any subdivision in which there are lands dedicated to the Village or any subdivision serviced by public utilities shall be annexed to the Village. Before approval of the Final Plat is given, the governing body shall receive a Petition for annexation from the owners of the subdivided properties.

Section 8.05 Amendments

Any provision of this Ordinance from time to time may be amended, supplemented, changed, modified or repealed by the Village Board according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 9: ADMINISTRATION/ENFORCEMENT

Section 9.01 General

The following apply towards administration of this Ordinance:

- 9.01.01 It shall be the duty of the designated zoning administrator to enforce this Ordinance and to bring to the attention of the Planning Commission and Village Board any violation or lack of compliance herewith.
- 9.01.02 No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Village in accordance with the provisions of this Ordinance, and filed for record with the Platte County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this Ordinance shall not be permitted. All such subdivisions shall be subject to all the requirements contained in this Ordinance.
- 9.01.04 No permit shall be issued for the 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 9.02 Violation/Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not more than \$100.00 plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: LEGAL STATUS PROVISIONS

Section 10.01 Separability

Should any article or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 10.02 Repeals

All Ordinances of the Village inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. The repeal of any of the above mentioned does not revive any other ordinances or portions thereof repealed by said Ordinances. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Ordinance repealed hereby, for any offense committed prior to the repeal.

Section 10.03 Effective Date

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

Section 10.04 Adoption

This Subdivision Ordinance was adopted and approved this 4th day of May, 2009 by the Village Board of the Village of Duncan, Nebraska.

(Seal)

VILLAGE CHAIRPERSON

ATTESTED:

VILLAGE CLERK

ARTICLE 11: CERTIFICATION AND DEDICATION STATEMENTS

Section 11.01 Acknowledge of Notary

ACKNOWLEDGE OF NOTARY

STATE OF NEBRASKA

COUNTY OF PLATTE

On the ____ day, of _____ 20____, before me, the undersigned Notary Public, duly commissioned and qualified in a for said county approved known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledge the execution thereof to be his/her voluntary act and deed as said _____.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

Notary Public (SEAL)

Section 11.02 Surveyor's Certification

SURVEYORS CERTIFICATION:

I 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 _____, 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 thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

(Surveyor, RLS #) _____
(seal) Date

Section 11.03 Approval of Duncan Village Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF DUNCAN, NEBRASKA

This final plat of _____ was approved by the Duncan Planning Commission this ____ day _____ 20____

Chairperson, Duncan Planning Commission

Section 11.04 Acceptance by Duncan Village Board

ACCEPTANCE BY VILLAGE BOARD OF DUNCAN

This final plat of _____ was approved by the Village Board of the Village of Duncan, Nebraska on this ____ day _____ 20____, in accordance with the State Statutes of Nebraska.

Chairperson (Village of Duncan SEAL)

ATTEST _____
Village Clerk

Section 11.05 Acceptance by the Duncan Village Engineer

This final plat of _____ was reviewed and approved by the Duncan Village Engineer on this _____ day of _____, 20____

Duncan Village Engineer

Section 11.06 Acceptance by Platte County Register of Deeds

Recorded on this _____ day of _____, 20____.

Platte County Register of Deeds

(STAMP including book and Page)

Section 11.07 Review of Platte County Surveyor

REVIEW OF PLATTE COUNTY SURVEYOR

This plat of _____ was reviewed by the office of Platte County Surveyor on this _____ day of _____, 20____

Platte County Surveyor (SEAL)

Section 11.08 County Treasurer's Certifications

COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

County Treasurer

Date

(SEAL)

Section 11.09 Administrative Plat Approval

APPROVAL OF VILLAGE OF DUNCAN

This Administrative Plat was approved by the Village of Duncan This _____ Day of _____, 20__.

Village Engineer

Zoning Administrator

Section 11.10 Owners Certification

OWNERS CERTIFICATION

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

This subdivision shall be known and designated as _____, an addition to the Village of Duncan, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the Village). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

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

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or Village to install, repair, replace and maintain its installations.

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

Signature

Signature

Section 11.11 Lien Holder Consent

The undersigned holder of that certain lien against the real property described in the plat known as _____ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Platte County, Nebraska as Instrument No. _____ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the Lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the Lien and has not assigned the Lien to any other person.

(Name of Lien Holder)

By: _____

(Print the Name of Individual)

Title: _____



An example of a typical 3-acre subdivision

Courtesy of the City of Lincoln-Lancaster County Planning Department