



**subdivision
regulations
gering, nebraska**

PREAMBLE

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS RELATING TO THE SUBDIVISION OF LAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE: ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS: PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE CITY COUNCIL IN APPLYING THESE RULES, REGULATIONS AND STANDARDS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AND FOR THE REPEAL OF ALL SUBDIVISION DEVELOPMENT ORDINANCES IN CONFLICT HEREWITH; FOR THE CITY OF GERING, NEBRASKA.

WHEREAS, Sections 18-1301 through 18-1307 and 19-901 through 19-1914, Reissue Revised Statutes of 1943 (in full) empowers the City to enact a subdivision ordinance and to provide for administration enforcement and amendment, and

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and the general welfare of the City to enact such an ordinance, and

WHEREAS, land subdivision is the first step in the process of community expansion, and

WHEREAS, once land has been divided into streets, blocks, lots and open spaces, a pattern has been established which usually determines how well community needs for residence, business and industry will be met, and

WHEREAS, land subdivision determines to a great extent how well the community will be able to deal with traffic circulation problems and the demand for homesites, and how efficiently it will be able to provide the many services demanded of it, and

WHEREAS, once land has been subdivided and publicly recorded, it is extremely difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided, and

WHEREAS, the guidance of land development in harmony with community objectives is a matter of serious concern and community welfare, and

WHEREAS, it is in the interest of the public, the developer, and future landowners that subdivisions be conceived, designed, and developed in accordance with sound minimum standards, and

WHEREAS, the City Council of Gering has established a Planning Commission, pursuant to Section 18-1301 through 18-1307 and 19-901 through 19-914, Reissue Revised Statutes of 1943 (in full), and

WHEREAS, the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS, the City Council has given due public notice of hearings relating to proposed subdivision plats, regulations and restrictions, and has held such public hearings, and

WHEREAS, the City Council shall approve a subdivision before it can be filed and divided, and

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals or the general welfare of the City; of providing for the harmonious development and coordinated layout for the subdivided area; for the proper arrangements of streets; for adequate and convenient open spaces for traffic utilities, recreation, light, air, and access of fire fighting equipment; for avoidance of population congestions through requirements for minimum lot widths and lot area; for adequate sanitary facilities; and for reducing flood damage potentials to the greatest extent possible, and

WHEREAS, all requirements of Sections 18-306, Reissue Revised Statutes of 1943 (in full), with regard to the preparation of the report of the Planning Commission and subsequent action of the City Council have been met:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GERING, NEBRASKA:

ARTICLE 18: GENERAL PROVISIONS

SECTION 18.1: TITLE

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

SECTION 18.2: JURISDICTION

The provisions of this Ordinance shall apply within the area of planning jurisdiction as defined on the Official Zoning Map of Gering, Nebraska, as the same may be amended by subsequent annexation.

SECTION 18.3: PURPOSES AND OBJECTIVES OF THE ORDINANCE

The Subdivision Regulation Ordinance is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically the Subdivision Regulation Ordinance is adopted in order to ensure that new development resulting in land subdivision in the City and within the area of planning jurisdiction shall conform to minimum development practices and standards. Further, it is intended that such land subdivision shall result in properly coordinated design and construction of lots, blocks, streets, utilities, public facilities, and other community assets.

ARTICLE 19: APPLICATION OF REGULATIONS

SECTION 19.1: GENERAL

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 or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Further, the regulations set forth by this Ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this Ordinance except as hereinafter provided.

SECTION 19.2: APPLICABILITY

- (1) Each separate principal use building within the Planning Jurisdiction of the City shall be situated on a separate and single subdivided lot of record unless otherwise provided in the Zoning Regulations for Gering, Nebraska.
- (2) No subdivision of land shall be permitted within the City Planning Jurisdiction unless a plat is approved in accordance with provisions of these regulations.
- (3) These Regulations shall apply not only to subdivision as herein set forth but shall also apply, insofar as payment of costs for improvements of subdivisions is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.
- (4) These Regulations shall not apply to subdivision of burial lots in cemeteries.
- (5) These Regulations shall not apply to a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street.
- (6) Notwithstanding any other provisions contained in this Article 19, these regulations shall not apply to a subdivision of land requested for sale purposes only and not involving a change in use of such land. Such "sales" subdivision shall require only the approval and filing of a subdivision plat describing (1) the area to be sold and (2) the area remaining from the total parcel being subdivided. Provided, any further development or change of use on either of such subdivided parcels of land shall require full compliance with all of the terms of these zoning and subdivision regulations with respect to such subdivided parcel which is being developed or is subject to a change in use. (Ord. 1654, 12/13/99)

SECTION 19.3: PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require or impose higher standards than are

required in any other Ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other Ordinance require or impose higher standards than are required by the provisions of this Ordinance the provisions of such Ordinance shall govern.

ARTICLE 20: CONSTRUCTION AND DEFINITIONS

SECTION 20.1: CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

- 20.101 **TENSE:** Words used in the present tense include the future tense.
- 20.102 **NUMBER:** Words used in the singular include the plural, and words used in the plural include the singular.
- 20.103 **SHALL AND MAY:** The word “shall” is mandatory; the word “may” is permissive.
- 20.104 **GENDER:** The masculine shall include the feminine and the neuter.
- 20.105 **HEADINGS:** In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 20.2: GENERAL TERMINOLOGY

The words “city” and “municipality” shall mean the City of Gering, Nebraska. The words “city council” shall mean the City Council of Gering, Nebraska. The words “planning commission” shall mean the Planning Commission duly appointed by the municipality.

SECTION 20.3: DEFINITIONS

- 20.301 **TEXT OF DEFINITIONS:** Words or terms not herein defined shall have their ordinary meaning in relation to the context.

For the purposes of this Ordinance certain words and terms used herein are defined as follows:

- (1) **ALLEY:** (See Thoroughfare)
- (2) **BLOCK:** A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatte lands or a combination of the same.
- (3) **BUILDING LINE:** (See Setback Line)
- (4) **COLLECTOR STREET:** (See Thoroughfare)

(5) **COMMON OPEN SPACE:** An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

(6) **COMMON SEWER SYSTEM:** A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

(7) **COMMON WATER SYSTEM:** A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

(8) **COMPREHENSIVE PLAN:** A general plan for the improvement and development of Gering, Nebraska as recommended by the Planning Commission and adopted by the City Council.

(9) **CORNER LOT:** (See Lot, Corner)

(10) **COVENANT:** A written promise or pledge.

(11) **CUL-DE-SAC:** (See Thoroughfare)

(12) **CULVERT:** A transverse drain that channels under a road, street, or driveway.

(13) **DEAD-END STREET:** (See Thoroughfare)

(14) **DEDICATION:** The intentional appropriation of land by the owner to some public use.

(15) **DEVELOPER:** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.

(16) **DISTRICT:** (See Zone)

(17) **DWELLING:** Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

(18) **EASEMENT:** A right to use a parcel of land, granted to the general public, utility, corporation, or city, by the property owner.

(19) **ENGINEER:** Any person registered to practice Professional Engineering by the Nebraska State Board of Registration who is designated by the City to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

(20) **FLOODWAY - COMMISSION:** A floodway whose limits have been designated and established by order of the Nebraska Natural Resources Commission.

(21) **FLOODWAY - SELECTED:** A floodway within the limits of a Commission Floodway which is recognized by the Nebraska Natural Resources Commission as being subjected to a high degree of flood hazard.

(22) **FRONTAGE:** The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

(23) **GOVERNING BODY:** The Body having jurisdiction in the zoning area.

(24) **IMPROVEMENTS:** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

(25) **LOOP STREET:** (See Thoroughfare)

(26) **LOT:** For purpose of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records; a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

(27) **LOT DEPTH:** Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(28) **LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this article.

(29) **LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.

(30) **LOT WIDTH:** Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, or on loop streets, where the eighty (80) percent requirement shall not apply.

(31) **LOT, CORNER:** Indicated as A in the following diagram, a corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A in the diagram.

(32) **LOT, INTERIOR:** Indicated as B in the above diagram, and interior lot is defined as a lot other than a corner lot with only one frontage on a street.

(33) **LOT, THROUGH:** Indicated as C in the above diagram, an interior lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as a double frontage lot.

(34) **LOT, REVERSED FRONTAGE:** All lots with a D in the above diagram, a reversed frontage lot is defined as a lot in which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

- (35) **MAJOR THOROUGHFARE PLAN:** The comprehensive plan adopted by the City Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the planning jurisdiction of the City.
- (36) **MONUMENTS:** Iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.
- (37) **OPEN SPACE:** An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.
- (38) **OUT LOT:** Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

(39) **PARKING SPACE, OFF-STREET:** For the purpose of this Ordinance an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

(40) **PEDESTRIAN WAYS:** A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

(41) **PLANNED DEVELOPMENT:** Special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Zoning Ordinance and as approved by the City Council.

(42) **PLAT:** A map, drawings or chart on which the subdivider's plan of the subdivision is presented to the Planning Commission and City Council for approval and, after such approval, to the county recorded for recording.

(43) **PUBLIC WAY:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicate, whether improved or not.

(44) **RIGHT-OF-WAY:** A strip of land dedicated to and accepted for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

(45) **SETBACK LINE:** A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards).

(46) **SEWERS, ON SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(47) **SIDEWALK:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(48) **STREET LINE:** A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

(49) **STREET PAVEMENT:** The wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.

(50) **STREET RIGHT-OF-WAY:** The area measured between property lines, dedicated to an accepted for public use and providing access to abutting properties.

(51) **SUBDIVISION:**

A. The division of any parcel of land shown as a unit or as contiguous on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than ten (10) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than ten (10) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(52) **SUBDIVISION DESIGN CLASSIFICATIONS:** Two subdivision classifications which establish minimum design criteria and required improvements for all subdivision in the City. The classifications are defined as follows:

A. **CLASS I SUBDIVISION:** Rural subdivisions which include:

1. All subdivisions in the following zoning districts as defined in the Zoning Ordinance.

AGG General Agricultural District
RRE Rural Residential Estate District

B. **CLASS II SUBDIVISION:** Subdivisions which include:

1. Industrial subdivisions.
2. Commercial subdivisions.

3. Residential subdivisions in the following zoning districts as defined in the Zoning Ordinance for Gering, Nebraska.

RL Residential Low Density District
RM Residential Medium Density District
RML Multi-Family Residential Low Density District
RMH Multi-Family Residential High Density District

(53) **SURVEYOR:** Any person registered to practice surveying.

(54) **THOROUGHFARE, STREET, OR ROAD:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. **Alley:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.
- B. **ARTERIAL STREET:** A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits and curb use.
- C. **COLLECTOR STREET:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- D. **CUL-DE-SAC:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- E. **DEAD-END STREET:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. **FRONTAGE STREET:** Minor streets which are parallel to and adjacent to major streets or highways and provide access to the abutting properties and protection from through traffic.
- G. **LOCAL STREET:** A street primarily for providing access to residential, commercial, or other abutting property.
- H. **LOOP STREET:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- I. **MARGINAL ACCESS STREET:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

(55) **VARIANCE:** A relaxation of the terms of the Subdivision Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

(56) **VICINITY MAP:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Gering in order to better locate and orient the area in question.

(57) **YARD:** A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility and subject to the district regulations of any zoning regulations.

A. **Yard, Front:** A yard extending between side lot lines across the front lot line to the front of the principal building. On corner lots in residential zones, a front yard of the required depth designated in accordance with the prevailing yard pattern is known as the "primary front yard". The designated second front yard of a corner lot with no less than one-half of the depth required for front yards in the district is known as the "secondary front yard". (Ord. 1744, 10/03).

B. **YARD, REAR:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

C. **YARD, SIDE:** A yard extending from the principal building to the side lot line on both sides of the principal building between the line establishing the front and rear yards.

D. **YARD, SPECIAL:** A yard behind any required yard adjacent to a public street, required to perform from the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies.

(58) **ZONE:** A section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are established.

(59) **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these subdivision regulations.

(60) **ZONING AREA:** The area subject to the provisions of Zoning and Subdivision regulations as set out on the Official Zoning Map of the City.

ARTICLE 21: PLAT REVIEW AND SUBMITTAL REQUIREMENTS

SECTION 21.1: PRE-APPLICATION PROCEDURE

21.101 **PRE-APPLICATION CONFERENCE:** Before filing a preliminary plat the subdivider shall consult with the City Zoning Administrator, and/or its staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map shall be submitted. The subdivider shall also submit a vicinity map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

21.102 **NOTIFICATION OF REQUIREMENTS:** The City Zoning Administrator, and/or its staff shall inform the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations.

21.103 **WAIVER OF FEES:** The pre-application procedure does not require formal application, fee, or filing of plat with the Planning Commission.

SECTION 21.2: PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

21.201 **PLAT SUBMISSION REQUIREMENTS AND PROOF OF OWNERSHIP:** The subdivider shall submit to the Zoning Administrator not less than six (6) copies of the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur at least twenty-eight (28) days before the regular meeting of the Planning Commission at which the request will be heard. At the same time, the application shall be accompanied by proof of ownership stating the record ownership of the tract proposed to be subdivided. The proof of ownership shall be dated not more than ten (10) days prior to the date the application is submitted to the Zoning Administrator. The proof of ownership shall be in one of the following forms or a combination of them: (Ord. 1615, 5/26/98)

- (1) A written opinion of an attorney at law licensed to practice law under the laws of the State of Nebraska.
- (2) A photocopy of a title insurance policy, or alternatively a commitment for title insurance issued in either case by a title insurance company authorized to do business in the State of Nebraska.
- (3) A certificate of a registered abstracter duly authorized as such according to the laws of the State of Nebraska. (Ord. 1488, 12/14/92)

21.202 **FEES:** A plat review shall accompany the application for conditional approval. Fee schedules shall consist of \$50.00 per plat plus \$1.50 per lot. An additional one hundred dollars (\$100) is required in instances in which a property is to be rezoned as discussed in Section 15.1 of the Gering Zoning Regulations.

21.203 PRELIMINARY PLAT CONTENTS: Preliminary plats shall be drawn at a minimum scale of one (1) inch to one hundred (100) feet. If seventy-five percent (75%) of the lots are one (1) acre or larger, the preliminary plat may be drawn at a scale of 1"=200' in either case the preliminary plats shall be prepared with the following information:

- (1) Description, acreage and name of the proposed subdivision.
- (2) Name and address of the owner, name of the person who prepared the plat, and date.
- (3) North point and graphic scale.
- (4) Names of adjoining subdivisions and properties.
- (5) Location of existing lot lines, streets, public utility easements, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
- (6) Layout of proposed blocks and lots, including the approximate dimensions of each, with the block and lot numbers in numerical order.
- (7) Locations, widths, and names of proposed streets, alleys, roads, easements, parks, and other open spaces or reserved areas.
- (8) Profiles of proposed streets and alleys, showing grades in percent.
- (9) Present zoning classification of the land to be subdivided and of the adjoining land.
- (10) Location and sizes of proposed culverts, storm drains, retention or detention ponds, and other drainage provisions.
 - (A) Storm Water Flow Direction - The storm water flow direction shall be indicated for existing storm water flows prior to development and the proposed storm water flow direction after development.
 - (B) Quantity of Storm Water Flow - The quantity of storm run off shall be calculated under existing and developed conditions for the one, two, and five year frequency storm. The Engineer's method of arriving at the quantity of storm water flow shall be indicated. The City should reserve the right to obtain storm quantity run off information for other frequency storms if desired.
 - (C) Non-Buildable Flood Plain Areas - A brief statement should be included if the proposed subdivision or parts thereof constructed will be in non-buildable flood plain areas.

(D) Methodology of Handling Storm Water Run Off - A discussion as to the methodology of storm water run off transportation within the subdivision should be included; detention ponds, i.e. overland flow, storm sewer, curb and gutter, etc. If drainage easements are required this fact shall be stated in the drainage report. In addition, this Section should address itself as to the location of the ultimate disposal point of storm water run off from the subdivision and its affect on adjacent and downstream owner's property drainage. Finally the affect of drainage from other subdivisions and adjacent property onto the proposed subdivision shall be discussed.

(E) Soil Types - There shall be a brief discussion as to the general soil types in the proposed subdivision. The description of the soil should include the permeability rates for each anticipated soil type.

(11) Contours at intervals of two (2) feet if preliminary plat is drawn at 1"=100' scale, or five feet intervals if preliminary plat is drawn at 1"=200' scale.

(12) A cross section of the proposed streets showing the width of roadways, location and type of curbs and gutters, paving, where required and sidewalks to be installed.

(13) The layout of proposed water mains, sanitary sewers, power lines and other utilities, with approximate grades for sanitary sewers.

(14) Proposed easements, dedications, and reservations of land required shall be provided.

(15) All preliminary plats and utility improvements (as-builts) shall be provided on compatible software as designated by the City Engineer. A disk compatible with DWG files shall be provided for each phase of the platting and subdivision process. (Ord. 1605, 1/26/98)

21.204 NOTIFICATION OF IMPROVEMENTS SCHEDULE: The subdivider shall indicate by a letter when improvements as required will be provided. Any proposed restrictive covenants for the land involved shall accompany the letter.

21.205 NOTIFICATION OF THE SCOTTS BLUFF COUNTY PLANNING COMMISSION: The municipality shall notify the County Planning Commission of any proposed subdivision plats and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the City of Gering within the County. The commission shall be given thirty (30) days to officially comment on the the review period shall

run concurrently with the subdivision review activities of the City of Gering after the commission receives all available material for a proposed subdivision plat.

21.206 **NOTIFICATION OF SCHOOL BOARD:** At least ten (10) days prior to the Planning Commission meeting at which the Preliminary Plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each school district which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the Plat may be submitted to any other agency which may be affected.

21.207 **PLANNING COMMISSION APPROVAL/REJECTION:** After review of the preliminary plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat within forty (40) days after the official meeting at which the plat was considered.

21.208 **RECORDING OF ACTION BY PLANNING COMMISSION:** The action of the Planning Commission shall be noted on three (3) copies of the Preliminary Plat, referenced and attached to any conditions determined. One copy shall be returned to the Subdivider, one copy relayed to the City Council and one copy retained by the Planning Commission.

21.209 **CITY COUNCIL REVIEW AND ACTION:** After receipt and review of the Planning Commission's recommendations on the preliminary plat the City Council shall approve or reject the preliminary plat. Upon approval, with or without modifications or disapproval of a preliminary plat by the City Council, one (1) copy thereof bearing or accompanied by notations by the City Council concerning the action taken by the City Council shall be returned to the person who submitted the plat and one (1) copy to the Planning Commission.

21.210 **APPROVAL IS CONDITIONAL:** Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval or conditional approval of the submitted plat as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

SECTION 21.3: PROCEDURE FOR APPROVAL OF FINAL PLAT

21.301 **PLAT SUBMISSION REQUIREMENTS:** Final plats shall be submitted to the Zoning Administrator within one (1) year of approval of the preliminary plat unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable Ordinances and state laws; and, if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year submission requirements.

21.302 **FEES:** A plat review fee shall accompany the application for final approval at twenty-five dollars (\$25.00) per subdivision, plus seventy-five cents (\$0.75) per lot.

21.303

SCALE AND FINAL PLAT CONTENTS: The original and six (6) copies of the Final Plat and other exhibits required by approval shall be submitted. The Final Plat shall be no larger than twenty-four (24) inches wide by eighteen (18) inches long, with a copy that is seventeen (17) inches wide by eleven (11) inches long, and shall be drawn in ink on tracing cloth, mylar, or similar material, and shall be at a scale of one (1) inch to one hundred (100) feet or to fit filing requirements. (Ord. 1746, 10/03)

The final plat shall show the following:

- (1) The name of the proposed subdivision with location by Section, Township, Range, County and State including descriptive boundaries of the subdivision.
- (2) Name of the owner, name of the person who prepared the plat and date.
- (3) North point and graphic scale.
- (4) Name of adjoining subdivisions and properties.
- (5) Layout of proposed blocks and lots, including the accurate dimensions of each, interior angles, length of radii and arc of all curves, the block and lot number in numerical order, and all other information necessary to reproduce the plat on the ground.
- (6) Locations, widths, other dimensions, and names of proposed streets, alleys, roads, easements, parks, and other open spaces or reserved areas.
- (7) Notes stating purposes and limitations of any areas dedicated to public use.
- (8) All dimensions shall be in feet and decimals of feet with angles in degrees, minutes and seconds. The allowable error of closure on the exterior boundary of the subdivision shall be one (1) foot in ten thousand (10,000) with an allowable error of closure on any portion of the final plat of one (1) foot in five thousand (5,000).
- (9) Locations and descriptions of monuments.
- (10) A certificate of the accuracy of the survey, plat and placement of monuments including a legal description of the property included in the plat, signed, sealed and dated by the registered surveyor by whom the work was done.
- (11) Certificate signed by County Treasurer stating the status of any regular or special taxes are due or delinquent against the property described in the plat.
- (12) Certification signed, dated and acknowledged before a Notary Public by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.

- (13) Certificate for approval by the Planning Commission to be signed and dated by the Chairman.
- (14) Certificate for approval by the City Council to be signed by the Mayor and Clerk.

21.304 **SUPPLEMENTARY DATA REQUESTED:** The final plat shall be accompanied by:

- (1) A guarantee pursuant to the provisions of Section 23.801 through 23.804 of these regulations.
- (2) Protective covenants (if any) in form for recording.
- (3) An operation and maintenance program, pursuant to the provisions of Section 23.9 of these regulations.

21.305 **PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission shall approve or reject the final plat and prepare a recommendation to the City Council recommending approval or rejection. All reasons for recommending rejections shall be clearly stated.

21.306 **CITY COUNCIL REVIEW AND ACTION:** After receipt and review of the Planning Commission's recommendation on the final plat the City Council shall approve or reject the final plat. If rejected, the reason for rejection shall be listed and forwarded to the Planning Commission and the Subdivider within ten (10) days.

21.307 **REPLATS:** Any existing subdivision which has been previously platted and recorded may be amended by submitting a revised final plat with the City of Gering subject to the provisions of Article 21; except that if the replat does not create more lots than originally platted and there is no change in size of the publicly owned rights-of-way and no additional property is required to be dedicated to the City, a plat which meets the requirements of 21.303 may be approved by the City Administrator and City Engineer. (Ord. 1517, 11/93)

ARTICLE 22: SUBDIVISION DESIGN STANDARDS

SECTION 22.1: GENERAL REQUIREMENTS

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

All subdivision design shall conform to standards of the Comprehensive Plan and to the City Zoning Regulations.

All required improvements shall be constructed or installed to conform to the provisions of this Ordinance and specifications.

SECTION 22.2 STREETS

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

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

22.202 **DEDICATION OF RIGHT-OF-WAY FOR NEW STREETS:** The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Comprehensive Plan, or, if not shown thereon, shall meet the right-of-way requirements as provided in Schedule A of these regulations. All streets classified as arterial streets by the Comprehensive Plan shall have all points of access approved by the Planning Commission.

22.203 **DEDICATION OF RIGHT-OF-WAY FOR EXISTING STREETS:** Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides

of an existing street, one-half (1/2) of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated on each side of the existing street. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

22.204 **INTERSECTIONS:** Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than seventy (70) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Commission 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 a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

22.205 **HORIZONTAL AND VERTICAL STREET CURVES:** A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than five (5) degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves provided in Schedule A of these regulations shall be required.

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance in accordance with Schedule A.

22.206 **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 be not less than one-half (1/2) of one (1) percent. Maximum street grades shall conform to the minimum requirements provided in Schedule A of these Regulations.

Where flood conditions exist, the Planning Commission shall require profiles or elevations of street in order to determine the advisability of permitting the proposed subdivision activity.

22.207 **MARGINAL ACCESS STREETS:** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be

necessary for adequate protection of residential properties and to afford separation of through and local traffic.

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

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

22.208 **STREET JOGS:** Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

22-209 **CUL-DE-SACS:** Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than four hundred (400) feet and shall be provided at the closed end with a turn-around having a diameter at the outside of the pavement of at least seventy-five (75) feet and a diameter at the outside of the right-of-way of at least one hundred (100) feet. The reverse radius on cul-de-sac streets shall be designed to allow for a smooth transition between the street and turn-around.

22.210 **STREET NAMES:** Proposed streets which are in alignment with other already existing and named streets shall bear the names of such exiting streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix.

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

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

Alleys are required to give access to the rear of all lots except when special approval is obtained from both the Planning Commission and City Council. The minimum width of an alley shall be twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with an adequate turn-around diameter of fifty (50) feet at the dead-end, or as determined by the Planning Commission.

SECTION 22.4 BLOCKS

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

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

22.402 **BLOCK WIDTHS AND TIERS:** Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, provided, that where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

SECTION 22.5 LOTS

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

22.501 **LOT DIMENSIONS:** Lot dimensions shall conform to the requirements of the zoning regulations.

22.502 **Corner Lots:** Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets. A front yard of the required depth, known as the "primary front yard" shall be designated in accordance with the prevailing yard pattern and a second front yard with no less than one-half of the depth required for front yards in the district known as the "secondary front yard" shall be designated. (Ord. 1744, 10/03)

22.503 **ACCESS TO LOTS:** The subdividing of land shall be such as to provide, by means of a public street, each lot with satisfactory access to a public street.

22.504 **DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS:** Double frontage and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and

across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

22.505 **ANGLE OF SIDE LOT LINES:** Side lot lines shall be substantially at right angles or radial to street lines.

SECTION 22.6: FLOOD HAZARDS

Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To ensure that lots will be located only where they will provide flood-free building sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for easement of right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The lowest floor elevations of structures intended for human habitation shall be one foot above the level of one-hundred (100) year frequency flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased.

SECTION 22.7: OFF-STREET LOADING AND PARKING FACILITIES

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

SECTION 22.8: EASEMENTS

22.801 **UTILITY EASEMENTS:** Easements across lots or centered on rear or side of lot lines shall be provided for utilities, where necessary, and shall be at least ten (10) feet wide.

22.802 **WATERWAY EASEMENTS:** Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of such widths as will be adequate for both waterflow and maintenance operations. Parallel streets or parkways may be required in connection therewith.

SECTION 22.9: COMMUNITY ASSETS

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.

SECTION 22.10: CONFORMANCE WITH OTHER REGULATIONS

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

SECTION 22.11: RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE

22.1101 **RESERVATION:** Before final plat approval is given the subdivider, he/she may be required to reserve sites for parks, playgrounds, open spaces and schools and other public land as determined by the Planning Commission to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition and/or use shall be for a period not to exceed three (3) years from the date the plat is officially approved and recorded unless otherwise provided in these regulations.

- (1) Where a park, playground, school or other side for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the City may require the reservation of such area within the subdivision.
- (2) Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision, and especially in large-scale developments not anticipated in the Comprehensive Plan, the City may request the reservation of such other areas or sites of character, extent or location suitable to the needs created by such development for school, parks and other neighborhood facilities.
- (3) Where a tract of land is being subdivided includes land proposed to be used for parks under the duly adopted Comprehensive Plan of the City, the subdivider shall indicate the location of such areas on the subdivision plat.
- (4) Where a tract of land is being subdivided includes land proposed to be used for a future school site, under the adopted Comprehensive Plan, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for two years giving the Community School District the right to purchase the land at a negotiated value or at a value determined in the same manner as required by the Nebraska State Statutes for proceedings under the power of eminent domain, plus one-half the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the school site not be purchased within the time limit specified above, the

subdivider may then sell said site for an alternate purpose compatible with the zoning and land uses of the adjacent property.

22.1102 **DEDICATION:** Before final plat approval is given to the subdivider, he/she shall be required to dedicate to the public use all streets, alleys, and buffer strips as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the City Council and on the subdivision plat.

SECTION 22.12: LARGE TRACTS OR PARCELS

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

ARTICLE 23: REQUIRED SUBDIVISION IMPROVEMENTS

SECTION 23.1 GENERAL REQUIREMENTS

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

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

All inspection costs and costs for required tests shall be paid by the subdivider.

SECTION 23.2: MONUMENTS, MARKERS AND PINS

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Concrete monuments shall be at least thirty-six (36) inches long and at least six (6) inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one-half (1/2) inch in diameter and at least twenty-four (24) inches long may be used at all other points.

SECTION 23.3: STREETS

23.301 **GRADING SPECIFICATIONS:** All streets, roads and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council.

23.302 **MINIMUM PAVEMENT WIDTHS:** Pavement widths shall be measured between the backs of curbs. Minimum pavement or surface widths shall be provided as indicated in Schedule A (See Page S-41) of these regulations.

23.303 **STREET SURFACING:** Street surfacing shall be provided in conformance with Schedule B (See Page S-41) of these regulations or as determined by the City Engineer. Requirements for paving including curb and gutter may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of three hundred (300) feet or more subject to the approval of the City Engineer. Streets in such subdivisions shall have a crushed rock or gravel surface which meets the specifications of the City.

23.304 **CURB AND GUTTER:** Curb and gutter shall as a minimum be provided in conformance with Schedule B (See Page S-41) of these regulations. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the City and as approved by the Engineer.

23.305 **STREET NAME SIGNS:** Street name signs, of a type in use throughout the City shall be erected by the subdivider at all intersections.

SECTION 23.4: SIDEWALKS

Sidewalks shall be provided in conformance with Schedule B (See Page S-41) of these regulations, and Section 9-1-13 of Chapter 1 of Title IX, and shall be constructed of portland cement concrete or other acceptable material as approved by the Gering City Engineer. Sidewalk thickness shall be not less than four (4) inches.

SECTION 23.5: STREET AND WALKWAY LIGHTING

The subdivider may install street lights in accordance with Schedule B of these regulations and as approved by the City Engineer.

Such lights shall be located at each entrance (streets and walkways) to the subdivision. In addition, whenever the distance between two (2) adjacent street (walkway) lights would exceed three hundred (300) feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.

New subdivision street (walkway) lighting shall be installed with all associated wiring underground.

SECTION 23.6: UTILITY AND DRAINAGE FACILITIES

23.601 **GENERAL:** Sanitary sewer, storm sewer, water distribution, electrical, gas, telephone, and communications, cable, and all other utility lines shall be installed in easements wherever practical, and shall conform to the standards and specifications of the Gering City Engineer. Where it is impractical to install such utility lines in rear lot easements, they shall be installed within the unpaved portions of the street right-of-way except for sanitary and storm sewer lines which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion.

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

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

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

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

Where public water supply is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in the zoning regulations, provided, that in no case shall said minimum lot be less than one half (1/2) acre in area.

23.603 **SANITARY SEWER IMPROVEMENTS:** The following requirements shall govern sanitary sewer improvements.

(1) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the City Planning Commission, and City Council, public sanitary sewer shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the City standards and the Nebraska Department of

Environmental Control and the Department of Health. Combinations of sanitary sewers and storm sewers shall be prohibited.

- (2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
 - a. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with City and Nebraska Department of Environmental Control and Department of Health requirements and approved by a licensed Engineer from the State of Nebraska; or
 - b. Lots may be served by individual disposal systems if the provisions of Section 23.603 (3) are met.
- (3) Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, groundwater level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City and the Nebraska Department of Environmental Control and Department of Health.
 - a. Each lot so served shall be a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided, that in no case shall said minimum lot be less than one (1) acre in area where there is a public water supply available at the lot and two and one half (2-1/2) acres where there is no public water supply available.
 - b. At least one (1) percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Planning Commission and the City Board of Health.
 - c. Where the installation of individual disposal units is considered and where the average natural ground slope exceeds ten (10) percent, the installation of a set-up disposal system may be required subject to specification by the Planning Commission and the City Board of Health.

23.604 DRAINAGE IMPROVEMENTS: The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses.

Where an adequate public storm sewer system is available within 300 feet, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not available, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning Commission. Drainage ditches and storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

23.605 **CULVERTS AND BRIDGES:** Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, the cover over the culvert and its capacity shall be determined by the City Engineer.

23.606 **EROSION CONTROL:** The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations as approved by the City Engineer and the Planning Commission.

23.607 **FIRE PROTECTION:** Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street.

The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter. The size and location of water lines and fire hydrants shall be approved by the City Engineer.

23.608 **ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS:**

- (1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Telephone, electric, and street lighting wires, conduits and cables shall be constructed underground except in cases where the City Engineer determines that topographic, bedrock or underground water conditions would result in excessive costs to the subdivider.
- (2) Overhead utility lines, where permitted, shall be located at the rear of all lots.

SECTION 23.7: SHARED IMPROVEMENT COSTS

23.701 **OVER-SIZE AND OFF-SITE IMPROVEMENTS:** The utilities, pavements and other land improvements required for the proposed subdivision shall be designed of over-sized and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Planning Commission and City Engineer.

23.702 **COST OF OVER-SIZE IMPROVEMENTS:** Minimum street pavement widths shall conform to the standards given in Schedule A, inclusive. Where pavement widths greater than those specified in Schedule A are deemed necessary by the City Engineer and approved by the City Council, the City shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Commission and the City Engineer. The City shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in Section 23.701.

23.703 **EXTENSIONS TO BOUNDARIES:** The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Planning Commission.

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

SECTION 23.8: SUBDIVISION IMPROVEMENT GUARANTEES

The subdivider shall complete in a manner satisfactory to the Planning Commission, and the City Engineer, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Planning Commission and shall dedicate same to the City in accordance with Section 23.807 of these regulations.

The City Council shall, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this Ordinance or otherwise specified by the Planning Commission in a manner satisfactory to the Planning Commission. To secure this contract, the subdivider shall provide, subject to the approval of the Planning Commission, one of the guarantees provided in Sections 23.801 through 23.804.

23.801 **SURETY PERFORMANCE BOND:** The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover the entire cost, as estimated by the subdivider and approved by the City Engineer, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the City in accordance with Section 23.807.

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

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

- (1) That the funds of said escrow account shall be held in trust until released by the Planning Commission and may not be used or pledged by the subdivider as security in any other matter during that period.
- (2) And that in the case of a failure on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

23.803 **SEQUENTIAL APPROVAL OF SUBDIVISION SEGMENTS WITHOUT GUARANTEE:** Where a subdivision is to be developed in several sections, the Planning Commission may, at its discretion, waive the use of a guarantee on the initial sections, provided that such sections may not be larger than twenty-five (25) lots, or fifty (50) percent of the total number of lots in the subdivision, whichever is less. The Planning Commission shall grant final plat approval for each succeeding section being contingent upon completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with Section 23.8. Completion of improvements in the final section of the subdivision, which shall include at least twenty-five (25) lots, or fifty (50) percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under Section 23.8 of this Ordinance.

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

23.805 **TIME LIMITS:** Prior to the granting of final plat approval, the subdivider and the Planning Commission shall agree upon a deadline for the completion of all required

improvements, such deadline not to exceed two (2) years from the date of final plat approval. The Planning Commission shall have the power to extend that deadline for one (1) additional year where the subdivider can present substantial reason for doing so.

23.806 FAILURE TO COMPLETE IMPROVEMENTS: If any portion of the required improvements shall fail to be accepted for dedication in compliance with Section 23.807 within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the Planning Commission shall take one of the following actions:

- (1) Where improvements have been guaranteed under Section 23.801 of this Ordinance preliminary plat approval shall be revoked.
- (2) Where improvements have been guaranteed under Section 23.802 of this Ordinance, the Planning Commission shall declare whatever security has been pledged as a guarantee to be forfeited. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

23.807 INSPECTION AND CERTIFICATION: The City Engineer, or other knowledgeable official as specified by the Planning Commission, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the City Engineer or Special Project Engineer shall file with the Planning Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

Upon completion of the improvements, the subdivider shall file with the Planning Commission a statement stipulating the following:

- (1) That all required improvements are complete;
- (2) That these improvements are in compliance with the minimum standards specified by the Planning Commission for their construction;
- (3) That the subdivider knows of no defects from any cause, in these improvements; and
- (4) That these improvements are free and clear of any encumbrance or lien.

If the City Engineer or Special Project Engineer has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City shall accept the dedication of those improvements. The City may, at its discretion, accept the dedication of any portion of

the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

23.808 **REDUCTION OF GUARANTEES:** In those cases where improvement guarantees have been made under Section 23.802 of this Ordinance, the amount of the guarantee may be reduced upon acceptance, in compliance with Section 23.807 of the dedication of a portion of the required improvements.

23.809 **RELEASE OF GUARANTEE:** Upon acceptance, in accordance with Section 23.807 of the dedication of the final portion of improvements, the City shall authorize the release of the remaining portion of the improvement guarantee.

SECTION 23.9: OPERATION AND MAINTENANCE

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

ARTICLE 24: VARIANCES

SECTION 24.1 GRANTING OF VARIANCES; CONDITIONS

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

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

SECTION 24.2: RECORDING OF PLAT

In no case shall the requirement of filing and recording a plat in the office of the Scotts Bluff County Register of Deeds for subdivision be waived.

SECTION 24.3: PLANNED DEVELOPMENT

The Planning Commission and City Council may also grant reasonable variances to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a Planned Development. The subdivider shall indicate where his/her plans vary from these regulations and shall present sufficient evidence to support his/her request, indicating why his/her request will not be detrimental to the public health, safety and welfare.

SECTION 24.4: WAIVER FOR SMALL SUBDIVISIONS

The subdivider may make application for and the Planning Commission may grant a waiver of some or all of the requirements provided in Article 22 and Article 23 of these regulations for small residential, commercial and industrial subdivisions where the following conditions exist:

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

A subdivider requesting a waiver under the provisions of Section 24.4 of these regulations shall submit said request in writing to the Planning Commission prior to submission of the Preliminary Plat. The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to the Section numbers and the descriptive catch-heads which appear in these regulations.

ARTICLE 25: AMENDMENTS

The City Council may amend this Ordinance from time to time, provided however, that such amendments shall not become effective until a recommendation from the Planning Commission is received and a public hearing has been held as required by law.

ARTICLE 26: REPEALS

All Ordinances or parts of ordinances in conflict herewith are hereby repealed, except any ordinances that impose more restrictions than are imposed herein.

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.

ARTICLE 27: SEVERABILITY

It is hereby declared to be the legislative intent that the several provisions of this Ordinance shall be severable, in accordance with the provisions set forth below.

If any provisions of this Ordinance is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action of proceeding in which the judgement or decree of invalidity was rendered.
- (2) Such decision shall not affect, impair or nullify this Ordinance as a whole or the application of any provisions thereof, to any other lot, building, other structure, or tract of land.

ARTICLE 28: PENALTY

Any Engineer, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Any person, firm, co-partnership, association, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed six months, or both, at the discretion of the court. The sale of each and every lot sold in violation of this chapter shall be considered a separate violation.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SCHEDULE A: Minimum Street Standards (Refer to Section 20.301) (52)

	Minimum Right of Way (ft)	Surface Width (ft)	Number of Traffic Lanes	Minimum Number of Parking Lanes	Maximum Grade %	Minimum Center Line Radius (ft)	Minimum Spacing Intersection with Arterial Street (ft)	Stopping Distance
CLASS I SUBDIVISIONS								
Arterial Street ⁽¹⁾	100	32 ⁽²⁾⁽³⁾	2	0	7	350	--	300
Collector Street ⁽¹⁾	80	24 ⁽²⁾⁽³⁾	2	0	7	300	1320	250
Local Street	60	20 ⁽²⁾⁽³⁾	2	0	8	200	1320	175
Cul-de-sac & Loop ⁽⁵⁾	50	20 ⁽³⁾	2	0	10	200	None Allowed	75
CLASS II SUBDIVISIONS								
Arterial Street ⁽¹⁾	100	76 ⁽²⁾⁽⁴⁾	4	2	6	300	--	300
Collector Street ⁽¹⁾	80	42 ⁽²⁾⁽⁴⁾	2	2	7	300	1320	250
Local Street	60	37 ⁽²⁾⁽⁴⁾	2	2	8	200	1320	175
Cul-de-sac & Loop ⁽⁵⁾	50	25 ⁽⁴⁾	2	1	10	100	None Allowed	75

1) Minimum standards are not applicable to roads and streets which are included on the Federal Aid-Primary or Federal Aid-Secondary system or on the county or municipal One and Six Year Road and Street Plan.

2) Add greater width turning lanes are to be provided: minimum turning lane = 10 feet.

3) Edge of pavement to edge of pavement.

4) Back to back of curb.

5) For turn around requirements see Section 22.209.

SCHEDULE B: Required Subdivision Improvements

SUBDIVISION CLASS	Curb & Gutter	Sidewalks	Street Surface Type			Central Sewer System	Central Water System	Street Trees
			Minimum	Storm Drainage	Street Lights			
Class I	A.R.	A.R.	A.R.	A.R.	N.R.	N.R.	N.R.	N.R.
Class II	YES	YES	BIT-CON	YES	YES	YES	YES	YES

A.R. = AS REQUIRED by Planning Commission and City Engineer.

N.R. = NOT REQUIRED, but subject to approval of Planning Commission and City Engineer.

BIT-CON = Bituminous or concrete surface.

APPLICATION FOR
A CHANGE IN ZONING
(To be filled out by Applicant)

1. Date Filed _____ Hearing Dates
2. Applicants Name
Address
Telephone No.
3. Present Owner
4. Present Zoning _____ Proposed Zoning
5. Property Description or Location: Subdivision
Other Description _____ Block No. _____ Lot No.
6. Present Use of Property
7. Desired Use of Property
8. Adjoining Property Use
North _____ South _____
East _____ West _____
9. If change is granted, how will it effect adjoining property?
10. Reasons for request
11. Additional Data or Comments submitted (Sketch may be requested)

Applicant's Signature

PLANNING COMMISSION REVIEW AND RECOMMENDATION: CHANGE OF ZONE OR AMENDMENT

1. Applicant
2. Location of Subject
3. Date of Notice of Public Hearing Published
(Shall be at least 10 days prior to public hearing).

Date of Hearing

4. Items to be considered:
 - a. Does the request conform with the Future Land Use Plan?
 - b. Are adequate utilities available or needed?
 - c. Would additional police or fire protection be needed?
 - d. Is the safety of adjacent properties protected?
 - e. Would the change effect school or park needs?
 - f. Would traffic routes and volume be affected?
 - g. Would adjacent property values be maintained?
 - h. Does the change effect any proposed public projects?
 - i. Are there alternates the applicant may peruse?
 - j. Are streets and drainage adequate?
 - k. Other pertinent facts
5. General Comments

SAMPLE APPLICATION FOR SUBDIVISION PLAT

Date

Signature of Subdivider

Signature of Zoning Administrator

SAMPLE PRELIMINARY PLAT PLANNING COMMISSION CHECK LIST

1. Name of Subdivision
2. Location of Subdivision
3. Date Filed
4. Subdivider Name _____ Phone
Address
5. Land Owner Name _____ Phone
Address
6. Engineer or designer name _____ Phone
Address
7. Availability of an approved public water system (check one)
 1. City water available
 2. Other approved public water system available
 3. Individual wells proposed for each lot
8. Availability of an approved public sewer system (check one)
 1. City sanitary sewers available
 2. Other approved public sewer available
 3. Developer proposes to build an approved sanitary sewer system
 4. Each lot will be served with a septic tank
9. Type of storm sewer proposed (check one)
 1. Open ditch
 2. Sewer lines and catch basins
10. Classification of subdivision: Class I _____ Class II
11. Physical characteristics of the subdivision
 1. Land is: gently rolling _____ Steep _____ Flat
 2. Total acres in subdivision
 3. Minimum lot size _____ Square Feet
 4. Relationship to streets in adjacent subdivisions
 5. Are streets needed to serve adjacent unsubdivided land? yes _____ no
12. Relationship to the comprehensive plan
 1. Land use plan: conforms _____ does not conform
 2. Major streets: conforms _____ does not conform
 3. Parks and recreation areas: conforms _____ does not conform
 4. Schools: conforms _____ does not conform
 5. Other community facilities: conforms _____ does not conform

SAMPLE PRELIMINARY PLAT PLANNING COMMISSION CHECK LIST (continued)

13.	Compliance with subdivision regulations	Yes	No
1.	Required copies submitted	_____	_____
2.	Letter of transmittal	_____	_____
3.	Name, address and phone number of subdivider	_____	_____
4.	Name of subdivision	_____	_____
5.	Name, address and phone number of land owner	_____	_____
6.	Name, address and phone number of engineer or designer	_____	_____
7.	Vicinity sketch	_____	_____
8.	Location with respect to section, township and range	_____	_____
9.	Scale	_____	_____
10.	North point	_____	_____
11.	Date prepared	_____	_____
12.	Topography at minimum of five (5) foot intervals	_____	_____
13.	Approximate closing dimensions	_____	_____
14.	Relationship to streets, lots, easements and structures in adjacent subdivisions	_____	_____
15.	Names of adjacent streets	_____	_____
16.	Location and size of nearest water line, sanitary sewer and storm sewer	_____	_____
17.	Location and width of proposed: (a) Streets (b) Alleys (c) Pedestrian ways (d) Easements	_____	_____
18.	Building setback lines (from zoning ordinance)	_____	_____
19.	Lot dimensions	_____	_____
20.	Lot numbers	_____	_____
21.	Block numbers	_____	_____
22.	Location of schools, parks, churches and other public and semi-public uses permitted by present zoning.	_____	_____

Checked by the Zoning Administrator this ____ day of _____, 199__.

Signature

SAMPLE FINAL PLAT PLANNING COMMISSION CHECK LIST

1. Name of subdivision
2. Location: Section _____ Township _____ Range _____
3. Date preliminary plat was submitted
4. Date preliminary plat was approved
5. Conditions imposed on the approved preliminary plat
6. Date final plat was submitted
7. Subdivider's name _____ Phone _____
Address
8. Owner's name _____ Phone _____
Address
9. Engineer's name _____ Phone _____
Address
10. Type of sanitary sewers proposed (check one)
 1. Connect with city sewer
 2. Connect to approved public sewer system
 3. Subdivider to build approved sewer system
 4. Each lot to be served by septic tank
11. Type of water system proposed (check one)
 1. Connect to city system
 2. Connect to an approved system other than city
 3. Private well or reservoir for each lot
12. Classification of subdivision: Class I _____ Class II _____
13. Complete with the subdivision regulations Yes _____ No _____
 1. Name of subdivision _____
 2. Location with respect to section, township and range _____
 3. Does plat mathematically close to nearest hundredth of a foot _____
 4. Are closing angles shown _____

SAMPLE FINAL PLAT PLANNING COMMISSION CHECK LIST (continued)

5.	Reference direction, distance and angle of an established section, township and range corner to point of beginning	_____
6.	Location of all subdivision boundary monuments	_____
7.	Location of all block markers	_____
8.	Lot dimensions to the nearest hundredth of a foot	_____
9.	Lot numbers	_____
10.	Block numbers or letters	_____
11.	Location and proper width of street right-of-way	_____
12.	Curve data for curved streets	_____
13.	Street and Court names	_____
14.	Location and width of alleys where required	_____
15.	Location and width of easements	_____
16.	Location and distance of building lines	_____
17.	North point	_____
18.	Scale	_____
19.	Certificate and seal of licensed engineer that the details of the plat are correct	_____
20.	Legal description of platted property	_____
21.	Dedication of easements	_____
22.	Dedication of streets and alleys	_____
23.	Establishment of building lines	_____
24.	Dedication of public open space (if applicable)	_____
25.	Space for owner's signature and notary seal	_____
26.	Certification of approval by	
	(a) Planning Commission	_____
	(b) City governing Body	_____
	(c) Board of county commissioners	_____
27.	Space for recording	_____
28.	Certificate stating taxes are paid	_____
29.	Private restrictions (where applicable)	_____
30.	Street profile (where applicable)	_____
31.	Petition for annexation (where applicable)	_____

Checked by the Zoning Administrator this ____ day of _____, 19 ____.

Signature

SAMPLE OF SUBDIVISION PLAT PROGRESS REPORT

PLAT FILE

A. Plans have been received from:

1. Planning Commission
2. City manager
3. Park superintendent
4. Superintendent of electric distribution
5. Superintendent of water distribution
6. Street superintendent
7. Board of education
8. Gas company
9. Telephone company
10. County engineer

B. Type of subdivision:

Residential
Commercial
Industrial
Manufactured Home
Hillside
Waterfront
Special

C. Fees Received:

\$10.00 _____ \$1.00/lot for _____ lots. Total

D. Action taken - Planning Commission

1. Pre-plat major discussion items
2. Preliminary plat approved _____ Denied _____ Date
Major discussion items
3. Final plat approved _____ Denied _____ Date
Major discussion items

E. Action taken - Governing Body

1. Preliminary plat approved _____ Denied _____ Date
Major discussion items

2. Final plat approved _____ Denied _____ Date
Major discussion items

SAMPLE FORMS FOR FINAL PLAT CERTIFICATION

Form 1 CERTIFICATE OF OWNERSHIP, CONSENT AND DEDICATION

(on plat) I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent and in accordance with my (our) desires, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

_____, 19____.
Date

Owner

Owner

Form 2 CERTIFICATE OF ACCURACY

(on plat) I hereby certify that the plan shown and described hereon is true and correct survey to the accuracy required by the _____, Nebraska, Board of County Commissioners, (City Council), (Village Board), and that the monuments have been placed as shown hereon, to the specifications of the Zoning Administrator.

_____, 19____.
Date

Registered Engineer

Form 3 CERTIFICATE OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

(on plat) I hereby certify that the water supply and sewage disposal utility systems installed, or proposed for installation, in the subdivision plat entitled: _____ fully meets the requirements of the Board of County Commissioners (City Council) (Village Board) and are hereby approved as shown.

_____, 19____.
Date

Zoning Administrator

SAMPLE SUGGESTED FORMS FOR FINAL PLAT CERTIFICATION (continued)

Form 4 **CERTIFICATE OF THE APPROVAL OF STREETS AND UTILITIES**

(attached to plat) I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to County (City) (Village) specifications in the subdivision entitled: _____ or, that a security bond in the amount of \$_____ has been posted with the Board of County Commissions (City Council) (Village Board) to insure completion of all required improvements in case of default.

_____, 19____.
Date

Registered Engineer

Form 5 **CERTIFICATE OF APPROVAL OF THE FINAL PLAT**

(on Plat) I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations Resolution (Ordinance) _____, Nebraska, with the exception of such variances, if any, as are noted in the minutes of the Board of County Commissioners (City Council) (Village Board) acceptance and maintenance of all streets, utilities and other public areas as indicated on said Plat, and that it has been approved for recording in the office of the County Clerk.

_____, 19____.
Date

Chairman, Board of County Commissioners
(Mayor) (President, Village Board)

County Clerk

SAMPLE FORM OF SURETY PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____ of _____, as Principal and _____, as Surety, are held and firmly bound unto the County (City) (Village) of _____, a county (municipal) corporation as Obligee, in the penal sum of good and lawful money of the United States, for the payment of which well and truly to be made, we do hereby bind ourselves, our heirs, administrators, executors, legal representatives, successors and assigns, jointly and severally by these presents.

WHEREAS, the Principal has applied to the Board of County Commissioners (City Council) (Village Board) pending before the Board of County Commissioners (City Council) (Village Board) of the County (City) (Village) of _____, which ordinance contains certain requisites relative to _____ all of which are specifically set forth in said Resolution (Ordinance) to which reference is hereby made and the same is hereby made a part hereof and,

WHEREAS, the full cost of said requisites has been estimated by said Board of County Commissioners (City Council) (Village Board) at _____ the penal sum of this bond, and

WHEREAS, said Principal has agreed to supply such requisites on or before the _____ day of _____, 19_____.
.

NOW, THEREFORE, if the above named Principal shall comply strictly with said Resolution (Ordinance) and with all the requisites and conditions therein set forth, then this obligation shall be null and void, otherwise to remain in full force and effect.

In the event of the Principal's default in installing and/or providing requisites within the time and in the manner indicated in said Resolution (Ordinance), the Obligee may accept so much of the roads and streets shown upon said Plat as public lands shown upon said Plat and supply such requisites, said Principal and Surety remaining liable to said Obligee for the cost thereof, up to, but not to exceed the penal sum of this bond.

Dates at _____ this _____ day of _____, 19_____.
.

(SEAL)

Witness (if individual)

(SEAL) _____
Attest (if corporation)

APPROVED AS TO FORM

The
County (City) (Village) Attorney

Principal
By
Surety

(This form is to be used only as a sample. Any performance bond form used by the County (City) (Village) should be approved by the County (City) (Village) Attorney before use.

BOARD OF ADJUSTMENT ACTION
VARIANCE

- A. Date action was taken
- B. The Board of Appeals found the following conditions:
 - 1. The condition (is, is not) unique to the property and (is, is not) ordinarily found in the same district and (was, was not) created by the owner.
 - 2. Granting of the variance (would, would not) affect rights of adjacent property owners.
 - 3. The strict application of the zoning regulations (will, will not) constitute an unnecessary hardship upon the owner.
 - 4. The variance (will, will not) adversely affect the health, safety, morals, order, convenience, prosperity or general welfare.
 - 5. The variance (will, will not) be opposed to the general spirits and intent of the zoning regulations.
- C. Action by the Board of Adjustment (Approval - Disapproval)
- D. Restrictions Imposed:

Date

Chairman

Secretary

Certified to the Zoning Administrator this ____ day of _____, 19____.

PURPOSE OF SOLAR ACCESS REGULATIONS

Protecting solar access essentially means regulating development in such a way that buildings and vegetation do not block sunlight and prevent solar energy use by neighboring buildings. In other words, protecting solar access means regulating to control shadows. While the concept is relatively simple, developing this concept into regulations, a supplemental study should be conducted by the City. The City Attorney should play a vital role in such a study, due to the legal issues likely to arise once said regulations are adopted.

LB 353-ENABLING LEGISLATION FOR ENACTING SOLAR ACCESS ZONING

The State of Nebraska recognizes the importance of protecting solar access. In 1979, the Unicameral adopted LB-353, which grants the power to local governments to enact zoning regulations which deal with solar access.

NEBRASKA CITIES WITH SOLAR ACCESS ZONING

At present, the only Nebraska community which is exercising their solar access authority is Lincoln. In 1979, the City of Lincoln passed an ordinance and guidelines for a Solar Access Incentive for developers. This incentive allows for up to a 20% bonus in dwelling unit density in Community Unit Plans that provide for solar access through lot layout and mutual restrictive covenants. To date, no developers have taken advantage of this non-mandatory incentive program. The author of these incentive regulations is Mr. Michael DeKaulb, Planner, City of Lincoln's Planning Department, who can be reached at (402) 472-7491.

MODEL SOLAR ACCESS ORDINANCES

The Nebraska Department of Economic Development's Division of Community Affairs, which developed the Nebraska Model Zoning and Subdivision Regulations, has not developed a model ordinance for solar access as of this time.

Likewise, the Nebraska Solar Office, University of Nebraska at Lincoln, has not developed a model solar ordinance.

There are, however, many model ordinances and solar access techniques available in published solar manuals as discussed in the next paragraph.

SOLAR ACCESS REFERENCE MATERIALS

The most widely used reference manuals for Planning Officials and developers are two guidebooks written by the American Planning Association under contract to the U.S. Department of Housing and Urban Development (HUD).

1. Protecting Solar Access for Residential Development: A Guidebook for Planning Officials, and

2. Site Planning for Solar Access: A Guidebook for Residential Developers and Site Planners.

These two guidebooks, which explore a new approach to conventional planning practices, can be ordered from the National Solar Center in Rockville, MD, by calling toll-free (800) 523-2929. A single copy of their book is available free, while multiple copies may be ordered from the U.S. Government Printing Office, for \$4.50 each.

The techniques discussed with these manuals are just a sampling of approaches which the City can consider. Another solar access manual suggested is entitled Solar Access Law: Protecting Access to Sunlight for Solar Energy Systems. This study, as prepared by the Environmental Law Institute for HUD, discusses alternative techniques and also examines legal issues which may arise. Model legislation and local ordinances are also presented.

Another excellent reference source is entitled: A Workbook on Solar Access, prepared by Robert J. Youngberg, the Director of the Nebraska Solar Office in Lincoln, and Debra Stangl, an Attorney-at-Law and partner in the firm of Stangl and Smith, Omaha, Nebraska. Ms. Stangl wrote the enabling legislation for enacting Solar Access zoning regulations. A copy of this manual may be obtained from Mr. Youngberg, at the Nebraska Solar Office, by calling (402) 472-3414.

DEVELOPING A SOLAR ACCESS PROGRAM

As solar access continues to be a growing concern, the City should begin to see how it can be accommodated by local land use controls. As the just discussed references will indicate, such considerations can be surprisingly complex and comprehensive.

The manual entitled: Protecting Solar Access for Residential Development discusses that solar access provisions can be adapted in stages. In allocating time, staff, and budget to solar access protection, the logical first step is to allocate resources first to the planning stage, resulting in the adoption of specific policies regarding solar energy use and protection. This step will tell the City whether there is enough public interest and support to warrant further efforts, and it will also establish the legal basis for further regulation. Strong public policies regarding solar access can also provide a useful yardstick in developing a regulatory standards, if the City is to proceed with modifying local regulations for solar access protection.

The second step in solar access regulation can be either to modify local subdivision regulations to assure that as many lots as possible offer proper solar orientation, or to modify local zoning provisions to remove barriers to the use and installation of solar energy systems. The choice between the two options depends on the growth pressure confronting the community.

Modifying existing zoning provisions to assure solar access is the third step which the City can consider. The simplest approach would be to modify prescriptive standards such as height, setback, etc.

Finally, vegetation controls and site plan review techniques can be considered as the forth and final stage of regulation. Not all communities have such techniques within their ordinances or have the staff expertise to analyze and evaluate information presented in environmental impact statements.

Landscaping and tree ordinances also require a great deal of expertise regarding planting location, species selection, and species maintenance. Vegetation controls, in particular, are likely to raise public and political issues, as a result of people's strong feelings about trees and greenery. These techniques should be considered if the City will have the administrative skills necessary to monitor private plantings for compliance with the ordinance provisions.