

# SUBDIVISION REGULATIONS

## FILLMORE COUNTY, NEBRASKA AND VILLAGES OF EXETER, FAIRMONT, GRAFTON, MILLIGAN, OHIOWA AND SHICKLEY

2013

FILLMORE COUNTY – RESOLUTION No. 2013-07

VILLAGE OF EXETER – ORDINANCE No. 576

VILLAGE OF FAIRMONT – ORDINANCE No. 13-485

VILLAGE OF GRAFTON – ORDINANCE No. 13-296

VILLAGE OF MILLIGAN – ORDINANCE No. 2013-05

VILLAGE OF OHIOWA – ORDINANCE No. 2013-4

VILLAGE OF SHICKLEY – ORDINANCE No. 232

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# **ARTICLE 1 - GENERAL PROVISIONS**

## **SECTION 101 TITLE**

This resolution/ordinance shall be known and shall be cited and referred to as “Subdivision Regulations of Fillmore County, Nebraska and Villages of Exeter, Fairmont, Grafton, Milligan, Ohiowa and Shickley” to the same effect as if the full title were stated.

## **SECTION 102 APPLICATION**

These regulations shall apply to all land located within Fillmore County, Nebraska, and those lands located within the corporate limits of Villages of Exeter / Fairmont / Grafton / Milligan / Ohiowa / Shickley, Nebraska and within the planning and zoning jurisdictional areas around said incorporated municipalities, as indicated on the Official Zoning Maps of the County and the Villages of Exeter / Fairmont / Grafton / Milligan / Ohiowa / Shickley, Nebraska, as same may be amended from time to time.

## **SECTION 103 PURPOSE**

The purpose and intent of these regulations is:

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

# ARTICLE 2 - APPLICATION

## SECTION 201 APPLICATION AND AUTHORITY

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

A. Each separate principal use / building within the jurisdiction of this resolution/ordinance shall be situated on a single and separate lot of record unless otherwise provided in the Zoning Resolution of Fillmore County, Nebraska or zoning ordinance of the Village of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, Nebraska.

B. No subdivision of land shall be permitted within the jurisdiction of this resolution/ordinance unless a plat of such subdivision is approved in accordance with the provisions of this resolution/ordinance. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision, and no building may be erected in a subdivision unless a final plat has been approved the Planning Commission and Fillmore County Board of Supervisors / Village Board and recorded in the Office of Fillmore County Registrar of Deeds.

C. No officer, employee, or agent of Fillmore County or the Village of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, Nebraska shall issue any zoning permit, make any water or sewer connection for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of this resolution/ordinance. No officer, employee or agent of the County or village shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat, unless such plat shall have been approved as provided for in this resolution/ordinance. These prohibitions shall not apply to any plat or dedication legally recorded prior to the enactment of this resolution/ordinance.

D. No excavation of land or construction of any public or private improvements which require a permit shall take place or be commenced on any parcel of land which was created by subdivision after the effective date of this resolution/ordinance except in conformity with the requirements and regulations of this resolution/ordinance.

## SECTION 202 INTERPRETATION

Under the authority to regulate subdivision of land set forth in Nebraska statutes and in their interpretation and application, the provisions of this resolution/ordinance shall:

A. Be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of the resolution/ordinance are at variance with any other lawfully adopted rules, regulations, Resolutions/ordinances, the most restrictive or that imposing the higher standards shall govern.

B. Not be intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this resolution/ordinance are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction the requirement of this resolution/ordinance shall apply.

## SECTION 203 SAVING PROVISION

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

# ARTICLE 3 - RULES AND DEFINITIONS

## SECTION 301 INTERPRETATION

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

## SECTION 302 RULES

A. The word person includes firm, association, corporation, organization, partnership, trust, company, as well as the individual.

B. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.

C. The words “shall” and “will” are mandatory while the word “may” is permissive.

D. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

E. The word “lot” includes the words plat or parcel.

## SECTION 303 DEFINITIONS

**303.01 Alley:** a public way which affords only a secondary means of vehicular access to the back or side of property otherwise abutting a street.

**303.02 Block:** an area of land bounded by streets, railroad rights-of-way, waterways, parks, undeveloped land, or a combination thereof.

**303.03 Bond:** any form of security, including cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the County Board of Supervisors / Village Board which meets the intent of such security required by this resolution/ordinance.

**303.04 Building Setback Line:** lines within a lot which run parallel to the front, side and rear lot lines and setback from said lot lines a distance as prescribed by the applicable zoning regulations, thus delineating the buildable lot area. In instances where the front lot line abuts a private or public roadway established by means of an easement instead of dedication of right-of-way, said front lot line shall be the outer boundary of said easement, measured from the centerline of the roadway.

**303.05 Commission:** the Fillmore County, Nebraska Planning Commission.

**303.06 Common Open Space:** an area of land or water or combination thereof, planned for passive or active recreation use, which does not include areas for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front yards. Such area may include recreational facilities such as swimming pools, tennis courts and other such outdoor recreational facilities.

**303.07 Common sewer system:** a sanitary sewerage system in public or semi-public ownership (sanitary improvement district or other semi-public utility entity) which provides for the collection and treatment of domestic sewage and other effluent in one or more centralized treatment plants which meet the minimum requirements of the Nebraska Department of Environmental Quality.

**303.08 Common Water System:** a publicly or semi-publicly owned water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis.

**303.09 Comprehensive Plan:** the Comprehensive Plan of Fillmore County, Nebraska, and the Villages of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, Nebraska adopted by the County Board of Supervisors / Village Board as a guide for the development and improvement of the County/Village.

**303.10 Covenant:** a binding agreement made between a subdivider of land and the purchaser(s) of such subdivided land to do or keep from doing specified things.

**303.11 Cul-de-sac:** a vehicular turnaround area which is located at the closed end of dead-end street or alley.

**303.12 Culvert:** a transverse drain that channels water under a street, driveway or other improvement.

**303.13 Density:** the number of lots per gross acre of land area in a subdivision computed by dividing the gross acreage of the subdivision into the total number of lots in the subdivision.

**303.14 Easement:** a grant by the property owner for the use of a strip of land for a specific purpose by a specific person, a public utility or the general public.

**303.15 Engineer:** any person registered to practice professional engineering by the State of Nebraska.

**303.16 Final Plat:** a map, prepared in accordance with the provisions of this resolution/ordinance, indicating the subdivision of land which is intended to be recorded for public record in the Registrar of Deeds of Fillmore County, Nebraska.

**303.17 Flood Plain:** those lands within the jurisdiction of this resolution/ordinance which are subject to a One percent (1%) or greater chance of flooding in any given year, as determined on an Official Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Insurance Administration, U.S. Department of housing and Urban Development and any revisions thereto, or as determined by the Administrator of the Fillmore County Flood Insurance Program designated by the County Board of Supervisors, whichever is determined by the Commission to be a more accurate determination of such flood plain. In instances where interpretation of USGS or other topographic maps requires interpolation of topographic contours, such interpolation shall not be less than one-half (1/2) of the distance between indicated contours.

**303.18 Frontage:** the length of the property abutting one side of a street, measured along the dividing line between the street and the property.

**303.19 Full Control of Access:** the condition where vehicular access to an arterial street or roadway, including its location, is fully controlled by the State of Nebraska or the Fillmore County Board of Supervisors / Village Board in connection with streets to give preference to through traffic on such arterial streets or roadways by providing access connections to such arterial streets or roadways only from selected streets or points and by prohibiting crossing at grade and direct driveway connections to such arterial streets or roadways.

**303.20 Governing Body:** the Fillmore County Board of Supervisors / Village Board of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, Nebraska.

**303.21 Improvements:** street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage structures, utility lines, landscaping, grading and other facilities and changes normally associated with the development of land for building sites.

**303.22 Land Area:** the entire area within a subdivision, including lots, open space, and streets and alleys.

**303.23 Lot:** a parcel of land identified and intended as a unit of transfer of ownership or development.

**303.24 Lot Area:** the horizontal area of a lot computed exclusive of any portion of a street or alley.

**303.25 Lot Depth:** the distance between the front lot line and the rear lot line. For irregular shaped lots, the depth shall be the distance from the front lot line and the rear lot line between the midpoints of straight lines connecting the front-most and rear-most points of the side lot lines.

**303.26 Lot of Record:** a tract of land described as in integral portion of a subdivision plat or a parcel of land described by metes and bounds which has been properly and legally recorded in the Office of the Registrar of Deeds of Fillmore County, Nebraska.

**303.27 Marginal Access Street:** a minor street which runs parallel and adjacent to an arterial street and which serves to limit and control the number of vehicular access points to such arterial street. A marginal access street is commonly referred to as a frontage road.

**303.28 Monuments:** permanent markers used to establish definitely all corners and lines of the plat of a subdivision on the ground, including all lot corners, boundary lines, corners, and points of change in street alignment.

**303.29 Off-site:** any premises not located within the property being subdivided, whether or not such premises is in the same ownership and controls the subdivision.

**303.30 Out Lot:** a parcel of land under the same ownership as the land shown on a subdivision plat which is outside of the boundaries of the land which is being subdivided and which is to be excluded from such subdivision due to it being undevelopable.

**303.31 Owner:** any person, group of persons, firm or firms, corporation or corporations or any legal entity having legal title to or sufficient proprietary interest in the land proposed to be subdivided.

**303.32 Partial Control of Access:** the condition where vehicular access including its location is partially controlled by the State of Nebraska or the Fillmore County Board of Supervisors / Village Board in connection with arterial streets or roadways to give preference to through traffic on such arterial streets or roadways to a degree that in addition to selected streets, there may be permitted some crossings of such arterial streets or roadways at grade and some direct driveway connections, with the design and location approved by public authority, including the County Board of Supervisors / Village Board.

**303.33 Pedestrian Way:** a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets or properties.

**303.34 Preliminary Plat:** a map, prepared in accordance with the requirements of this resolution/ordinance, indicating a tentative subdivision of land, intended for guidance in the preparation of a final plat.

**303.35 Private Street:** an approved privately-owned open and unoccupied space, other than a public street or alley, reserved as the principal means of vehicular access to abutting property.

**303.36 Public Improvements:** any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaping, parking area, lot improvement, utility line, or other facility for which the local government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local government responsibility is established.

**303.37 Public Way:** an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road sidewalk, street, tunnel, viaduct, overpass or other ways in which the general public or a public entity has a right or which is dedicated for public use, whether improved or not.

**303.38 Re-subdivision (Re-plat):** a change in the plat of an approved or recorded subdivision if such change affects any street layout, area reserved for public use, easement, or any lot line or if it affects any plat legally recorded prior to the effective date of this resolution/ordinance.

**303.39 Right-of-Way:** a strip of land used or intended to be used for pedestrian, vehicular, and utility line circulation and access to property by the general public. Said strip of land is that total area between the boundary lines of the street, alley or easement.

**303.40 Sale or Lease:** any immediate or future transfer of ownership or any possessory interest in the land, including contract for sale, lease, devise, intestate succession, or transfer of any interest in a subdivision or part thereof, whether by metes and bounds description, deed, contract, plat, map, lease device, intestate succession or other written means.

**303.41 Screen Planting / Buffer Strip:** an area of land devoted to fences, walls, hedges, shrubs, trees, grass and other landscape materials for the purpose of obstructing view, absorbing sound and providing desirable delineation of property.

**303.42 Street / Road:** a right-of-way or easement, dedicated to public use, or a private roadway, which provides the principal means of vehicular access to abutting property. Streets / Roads shall be classified in accordance with the standards of the Nebraska State Board of Classifications and the County's Major Street / Road Plan and shall include:

**A. Local (Minor) Road:** a road which is used primarily for access to properties abutting on such street and which carries relatively small volumes of vehicular traffic.

**B. Collector Road:** a road designed to accept vehicular traffic from local roads and link such traffic to employment centers, public facilities and other points of attraction and to link such traffic with arterial streets or roads. Collector roads may also provide access to properties abutting such roads and carry higher volumes of traffic than do local streets or roads.

**C. Arterial Road (Major Arterial and Other Arterial):** a road designed to accept traffic from local collector roads and transport such traffic at higher volumes and higher speeds into, through or out of a community or county.

**303.43 Subdivider:** The owner or owners of land, legal and equitable, who causes land to be divided into a subdivision.

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

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

**B. Small Tract Subdivision:** any subdivision or land containing not more than four (4) lots fronting on an existing improved street, where separate submission of a preliminary and final plat will not serve the public interest and will not conflict with the intent of these regulations.

**303.45 Subdivision/Plat, Administrative:** any subdivision or land containing not more than three (3) lots fronting on an existing improved street, not involving any new street, street extension, or extension of public utilities, or any other public improvements, and not adversely affecting the remainder of the parcel or adjoining properties and not in conflict with any provision of the Transportation Plan, the comprehensive plan, the zoning resolution/ordinance or these regulations.

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

**303.47 Transportation Plan:** a written component of the duly adopted Comprehensive Plan which indicates and delineates the classification of existing and proposed streets or roads within the jurisdiction of this resolution/ordinance.

# **ARTICLE 4            AUTHORITIES AND DUTIES**

## **SECTION 401            ZONING ADMINISTRATOR**

- A. Receive, review for completeness, file and transmit applications for subdivision approval, sketch plans, preliminary and final plats, improvement plans and specifications to the appropriate review officials, entities and governing bodies.
- B. Accept and transmit subdivision application fees to the appropriate governing body.
- C. Inform applicants of subdivision requirements, standards and procedures.
- D. Cause the publication of all necessary legal notices regarding subdivisions to be published as prescribed by this resolution/ordinance.
- E. Send notice of intent to subdivide to owners of record of land within 300 feet (village jurisdiction) or 1 mile (county jurisdiction) of property being considered for subdivision or re-subdivision.
- F. Review and approve/disapprove administrative subdivisions as herein prescribed prior to consideration of governing body.
- G. Maintain records pertaining to subdivisions of land in the County and these regulations.

## **SECTION 402            PLANNING COMMISSION:**

- A. Review and approve, approve conditionally or deny preliminary plats and final plats and transmit preliminary and final plats together with the plans and specifications for subdivisions improvements and the Planning Commission's recommendations for approval, conditional approval or denial to the appropriate Governing Body for consideration and final action.
- B. Make other determinations and decisions as may be required of the Planning Commission from time to time by this resolution/ordinance, and by the applicable sections of the Nebraska Statutes related to subdivision of land.
- C. Make recommendations regarding exceptions to the terms of this resolution/ordinance relative to approval of particular subdivisions to the appropriate Governing Body.

## **SECTION 403            SECRETARY OF THE COMMISSION:**

The Secretary of the Planning Commission (or designated recording secretary) shall have the following duties with regard to this resolution/ordinance, provided that all or part of the duties herein listed may be assigned and performed by other County Officials including the Zoning Administrator:

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
- B. File copies of all subdivision applications together with applicable filing fees with the appropriate Governing Body.
- C. Transmit final plats and related subdivision improvement plans and specifications together with the Planning Commission recommendation for approval, conditional approval or denial to the Governing Body for its consideration and action.

**SECTION 404      GOVERNING BODY:**

- A. Consider Planning Commission recommendations on preliminary and final plats and approve, approve conditionally, or disapprove preliminary and final plats and subdivision improvements plans and specifications.
- B. Consider and require financial guarantees regarding installation of approved subdivision improvements.
- C. Cause inspections of all subdivision improvements to be made to assure compliance of such improvements with the approved plans and specifications.
- D. Accept subdivision improvements after proper certifications by the subdivider and the subdivider's engineer.
- E. Accept or reject dedications of rights-of-way.
- F. Take other actions as required from time to time including the consideration of amendments to this resolution/ordinance.

# ARTICLE 5 PROCEDURES

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

## SECTION 501 PRELIMINARY CONSULTATION

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

The Administrator shall advise the subdivider regarding the type of subdivision procedure applicable. After this, and the general features to be required in the subdivision have been determined, the subdivider may proceed to cause a preliminary plat to be prepared. For those subdivisions, having at least one of the following characteristics the Zoning Administrator shall have the power to waive any or all requirements of the preliminary plat requirements and procedures:

**501.01** Where the subdivision involves the creation of not more than two new lots (Minor Subdivision) and does not involve the dedication of a public street or is not a part of a larger tract intended for future development;

**501.02** Where the subdivision involves the replatting of existing lots and results in the creation of no additional lots.

The subdivider shall prepare and file with the Planning Commission.

## SECTION 502 PRELIMINARY PLAT APPLICATION

### 502.01 SUBMISSION REQUIREMENTS

The subdivider shall take into consideration the advice offered by the Zoning Administrator in preparing and submitting an application for preliminary plat approval. The subdivider shall submit to the Administrator, copies of the preliminary plat and supplemental material specified in Section 502.04 herein, together with one (1) written application on a form specified by the County/Village. The exact number of copies of the preliminary plat to be supplied, will be determined by the Zoning Administrator. The land area to be included in any preliminary plat shall include all land area which the subdivider proposes to be subdivided, the subdivider shall include all information as required regarding the proposed subdivision as set forth in Section 502.04 herein. For all contiguous land holdings of the subdivider which are not to be included in the subdivision, information as set forth in Section 502.05 herein shall be submitted. The subdivider shall submit a complete application by the 1<sup>st</sup> of any month to be heard the following month by the Planning Commission and the Board of Supervisors/Village Board.

### 502.02 CHECKING OF APPLICATION

Upon submission of a subdivision application, the Zoning Administrator shall check it for completeness. If complete, the following time line shall be adhered to:

A. Three (3) copies of the proposed Preliminary Plat (from Surveyor), the completed Application, and the applicable fees, must be in the Administrators office no later than the 1<sup>st</sup> of any month to be heard the first Monday of the following month. The Surveyor will be notified of any changes that need to be done.

B. Eight (8) copies of the corrected Final Plat must be in the Administrator's office no later than the 10<sup>th</sup> of any month to be heard the first Monday of the following month.

C. Applicant is responsible for getting the following signatures on the Mylar copy of the plat and returning the signed Mylar to the Administrator's office no later than the 15<sup>th</sup> of any month to be heard the following month:

1. Owners Signatures (must be notarized)
2. Surveyors Signature (one creating such plat)
3. County Surveyor's signature on Plat or letter stating that he/she has reviewed said plat.
4. Treasurer's Signature (past and current taxes will have to be paid at that time).

D. At least three (3) photos (front and two sides) of the property must be submitted to the Administrator's office no later than the 15<sup>th</sup> of the month. Photographs of the entire property (including structures) from a distance shall be submitted.

E. The applicant or representative will need to attend the Planning Commission meeting. The applicant will be mailed an Agenda containing the date, time and place, approximately 10 days prior to the meeting.

F. The applicant or representative will need to attend the Supervisor/Village Board meeting. You will be mailed an Agenda containing the date, time and place of the Supervisor's meeting approximately 10 days prior to the meeting. The Villages are responsible for sending out the notification for the Village meeting.

G. After all parties have approved the Plat Application, the Applicant will need to take the Mylar copy of the Plat to the Registrar of Deeds and have it filed. The filing fee is due at this time.

If the application is incomplete, the Administrator shall not docket the application for hearing and shall notify the subdivider/surveyor that the application is incomplete and specify what additional data is needed. The Administrator shall notify the subdivider/surveyor of any incompleteness within five (5) days of the date of filing of the application. If the application has not been filed in time to permit the Notice of Meeting to be published at least five (5) days prior to the next Planning Commission meeting, such application shall be docketed for hearing at the following Planning Commission meeting.

### **502.03 FEES**

A preliminary plat review fee shall be paid by the subdivider and shall accompany the application submitted. The amount of such fee shall be in accordance with the schedule of fees adopted by the County Board of Supervisors / Village Board, and may be amended from time to time.

### **502.04 SCALE AND PRELIMINARY PLAT CONTENTS**

Preliminary plats shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger scale on a maximum sheet size of thirty-six (36) inches by forty-eight (48) inches, and shall include the following information:

- A. The proposed name and acreage of the subdivision.
- B. The name of the proposed subdivision, the acreage of the land in the proposed subdivision and the location of the subdivision by specific legal description;
- C. The name(s) of the owner (s) of the land within the subdivision and the name of the land planner, surveyor or engineer who prepared the preliminary plat.
- D. The names and addresses of the subdivider and the engineer or surveyor.
- E. Date, north point and graphic scale of the plat map;
- F. The tract designation and other description according to the real estate records of the County Registrar of Deeds, also, designation of the proposed uses of land within the subdivision.
- G. The names of adjoining property owners or subdivision;
- H. The boundary lines (accurate in scale) of the tract to be subdivided;
- I. The location and dimensions in feet and hundredths of feet of the boundary perimeter of the subdivision and the location of lot lines, and building setback lines, if such building or setback lines are to be in excess of these required by the applicable zoning regulations, in feet;
- J. Contours with intervals of one foot or less, referred to sea-level datum.
- K. The location(s) of any existing building(s) or structure(s) to be retained.

- L. The names of adjacent subdivisions or the names of record owners of adjoining parcels of un-subdivided land.
- M. The names and dimensions of all existing streets and the proposed names and dimensions of all proposed street rights-of-way with approximate grades and curve radii and pavement widths;
- N. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features, such as section lines, political subdivision or corporation lines, and school district boundaries.
- O. The location of existing and proposed water and sewer lines, including an indication of the horizontal distance from the edge of the subdivision to the nearest public water and sewer.
- P. Existing sewers, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.
- Q. Existing and proposed topographic contours at one (1) foot intervals.
- R. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
- S. The layout, names and widths of proposed streets, alleys, and easements.
- T. A clear indication of the proposed course of surface water drainage from the points(s) where the water enters and leaves the subdivision together with the courses of all surface drainage within the subdivision and outside of the subdivision to the point where such water enters a water course or existing recognized storm drain and the locations of proposed storm sewers, culverts and related drainage facilities;
- U. A plan of proposed water distribution system, sanitary sewers and storm sewers showing pipe sizes and the location of valves, fire hydrants, and fittings.
- V. The location and size of proposed easements, dedications and reservation of land, including any proposed part or common open space sites reserved for common or public use.
- W. The layout, numbers and scaled dimensions of proposed lots.
- X. An indication of the proposed phasing of the subdivision development.
- Y. Indication of any portion of the subdivision for which a final plat is to be proposed when the subdivision is to be developed in stages.
- Z. An indication of how the proposed subdivision improvements are to be financed shall accompany the preliminary plat, but do not need to be indicated on the plat document. Such improvements shall be financed by the subdivider.
- AA. A minimum of three different photographs of the site to be subdivided shall accompany the preliminary plat, together with an indication on the preliminary plat of where on the site said photographs were taken.
- BB. Whether this parcel is located within a Wellhead Protection Area.

**502.05 INFORMATION REQUIRED FOR CONTIGUOUS LAND HOLDINGS OF THE SUBDIVIDER NOT INCLUDED IN PRELIMINARY PLAT**

The following information shall be provided in a preliminary plat for any contiguous land owned by the subdivider which is not included in the preliminary plat:

- A. The topography of such land using copies of United States Geological Survey (USGS) Maps or other topographic materials or data to allow an evaluation of the drainage patterns and development limitations which may impact design of the proposed preliminary plat or the ability to develop such land in the future.
- B. Information in the form of USGS maps or other topographic materials or data to allow an evaluation of the drainage patterns and development limitations which may impact design of the proposed preliminary plat or the ability to develop such land in the future.
- C. Identification of all areas within the contiguous land holdings of the subdivider which are not included in the preliminary plat which are subject to flooding or ponding or any other hydrological, geological or topographic condition which will or may affect the design of the preliminary plat or which will or may affect the ability to further subdivide such contiguous land holdings at reasonable costs.

**502.06 NOTIFICATION OF SCHOOL BOARD**

At least ten (10) days prior to the Planning Commission meeting at which the preliminary plat is to be considered, the Administrator shall submit a copy of the proposed preliminary plat to each school district which the proposed subdivision may affect, and shall notify the School Board(s) of the Planning Commission meeting, date, time and location.

**502.07 NOTIFICATION OF AND REVIEW BY OTHERS**

At least ten (10) days prior to the Planning Commission meeting at which the preliminary plat is to be considered, the Zoning Administrator shall submit one (1) copy of the proposed preliminary plat to the County Board of Supervisors / Village Board, the County Surveyor, the Highway Superintendent, County/Village engineer, the fire protection district in which the subdivision is located, the electric, natural gas and telephone companies which will serve the proposed subdivision and any cable television company serving the area together with a communication requesting review and comment by these entities with regard to proper design of the subdivision, easement locations and ability to serve the proposed subdivision. All comments received shall be summarized in writing by the Administrator or such other County official as determined by the Administrator and submitted to the Planning Commission at the meeting at which the proposed preliminary plat is to be considered.

**502.08 PLANNING COMMISSION AND BOARD ACTION ON A PRELIMINARY PLAT APPLICATION**

Following consideration of the preliminary plat and all comments and recommendations of the Administrator, School Board and public utilities, the Planning Commission shall recommend approval or disapproval of the preliminary plat and transmit such preliminary plat and recommendation to the governing body having jurisdiction over such plat. The Commission may recommend and the governing body may require, as a condition of approval, any reasonable condition to bring the subdivision or plat into conformance with the requirements of this resolution/ordinance and the Comprehensive Plan of the County/Village. If the preliminary plat is disapproved by the governing body having jurisdiction, the governing body shall state the specific reason(s) for such disapproval. The governing body shall cause the subdivider to be notified in writing of its action within thirty (30) days, (of such decision) and such notification) and shall state any conditions of approval or any reasons for disapproval. The action of the planning commission shall be recorded and forwarded to the governing body.

**502.09 PRELIMINARY PLAT IS CONDITIONAL**

Approval of the preliminary plat as set forth herein shall constitute authority to proceed with construction of the subdivision and preparation of the final plat subject to approval of detailed plans and specifications for improvements as set forth herein. The subdivision shall be constructed and the final plat prepared in conformity with the approved preliminary Plat. Material deviation from such approved preliminary plats shall require resubmission for approval.

Approval of a preliminary plat shall not constitute authority to see lots, record the plat, advertise the future conditional sale of lots based on the preliminary plat, or authorize to construct permanent buildings in reliance upon the preliminary plat layout.

**502.10 EXPIRATION OF AN APPROVED PRELIMINARY PLAT**

Unless a final plat for all or part of the subdivision proposed in any approved preliminary plat has been submitted for consideration by the Planning Commission, the approval of the preliminary plat shall expire two (2) years from the date of the original approval by the governing body having jurisdiction over such plat unless the subdivider formally request an extension of such expiration and can show good cause why said governing body should grant an extension. Upon such a request and upon showing of good cause, the governing body may grant an extension for any length of time it determines to be appropriate for the proper planning and development of the County / Village.

**SECTION 503 FINAL PLAT APPLICATION**

**503.01 SUBMISSION REQUIREMENTS**

The subdivider shall take into consideration the advice offered by the Zoning Administrator in preparing and submitting an application for final plat approval. The subdivider shall submit to the Administrator, copies of the final plat and supplemental material specified in Section 503.04 herein, together with one (1) written application on a form specified by the County/Village. The exact number of copies of the final plat to be supplied, will be determined by the Zoning Administrator. The land area to be included in any final plat shall include all land area which the subdivider proposes to be subdivided, the subdivider shall include all information as required regarding the proposed subdivision as set forth in Section 503.04 herein. For all contiguous land holdings of the subdivider which are not to be included in the subdivision, information as set forth in Section 503.05 herein shall be submitted. The subdivider shall submit a complete application by the 1<sup>st</sup> of any month to be heard the following month by the Planning Commission and the Board of Supervisors / Village Board.

### **503.02 CHECKING OF APPLICATION**

Upon submission of a subdivision application, the Zoning Administrator shall check it for completeness. If complete, the following time line shall be adhered to:

A. Three (3) copies of the proposed Preliminary Plat (from Surveyor), the completed application, and the applicable fees, must be in the Zoning Administrator's office no later than the 1<sup>st</sup> of any month to be heard the following month. The Zoning Administrator will notify the surveyor of any changes that may need to be done.

B. Eight (8) copies of the corrected Final Plat must be in the Zoning Administrator's office no later than the 5<sup>th</sup> of any month to be heard the following month.

C. Applicant is responsible for getting the following signatures on the Mylar copy of the plat and returning the signed Mylar to the Zoning Administrator's office no later than the 10<sup>th</sup> of the month to be heard the following month:

1. Owner's signature (must be notarized)
2. Surveyor's signature (one creating such plat)
3. County surveyor's signature on Plat or letter stating that he has reviewed said Plat.
4. Treasurer's signature (any unpaid past and current taxes will have to be paid at that time).

D. If GIS data is not available to this office the Applicant will be responsible for obtaining aerials from the Farm Service Agency (FSA) and submitting them to the Zoning Administrator's office.

E. The Applicant, or a Representative of their choosing, will need to attend the Planning Commission Meeting. An Agenda containing the date, time, and place will be mailed to the Applicant approximately 10 days prior to said meeting.

F. The Applicant, or a representative of their choosing, will need to attend the Board of Supervisors / Village Board meeting. An Agenda containing the date, time and place will be mailed to the Applicant approximately 10 days prior to said meeting.

G. After all entities have approved the plat Application, the Applicant will need to have such plat executed by the appropriate governing body and file such plat with the County Registrar of Deeds. A copy of such filed plat shall be returned to the Zoning Administrator and governing body for filing.

If the application is incomplete, the Administrator shall not docket the application for hearing and shall notify the subdivider/surveyor that the application is incomplete and specify what additional data is needed. The Administrator shall notify the subdivider/surveyor of any incompleteness within five (5) days of the date of filing of the application. If the application has not been filed in time to permit the Notice of Meeting to be published at least ten (10) days prior to the next Planning Commission meeting, such application shall be docketed for hearing at the following Planning Commission meeting.

### **503.03 FEES**

A final plat review fee shall be paid by the subdivider and shall accompany the application submitted. The amount of such fee shall be in accordance with the schedule of fees adopted by the County Board of Supervisors / Village Board, as may be amended from time to time.

### **503.04 SCALE AND FINAL PLAT CONTENTS**

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

A. Name of the subdivision, north point, scale of the plat, name of subdivider, date and name, address and seal of the surveyor. Location of boundary lines, in relation to sections, quarter sections, all of which comprise a legal description of the property. All locations shall be tied to land survey corner that has the approval of the County Surveyor

B. The acreage of the land in the final plat and the location of the land within the subdivision final plat be specific legal description indicating boundary lines with accurate lengths, angles and bearings based upon an accurate traverse. Said boundary lines shall be determined by a balanced and closed survey conducted in the field.

C. The lines of all streets and alleys and other lands to be dedicated with their widths and names shall be shown.

- D. The name(s) of the owner (s) of the land within the subdivision (See Owner's Certification herein).
- E. All Lot lines and dimensions and numbering of lots and blocks according to a uniform system. Statutory systems shall be complied with if applicable.
- F. Date, north point and graphic scale of the plat map;
- G. Indication of building lines with dimensions if such lines are desired.
- H. The name of the surveyor and/or engineer who prepared the final plat, improvement plans specifications. (See Surveyor's Certificate herein).
- I. Easements for any right-of-way provided for public use, drainage, services or utilities, showing dimensions and purpose.
- J. The name, location and dimensions in feet and hundredths of feet with bearings or deflection angles, radii, arcs and central angles of all curves of the rights-of-way of all streets, alleys and other rights-of-way, the radii, central angles, tangents, lengths of arcs, curvature angles at the street intersections and a complete traverse of each street within and the perimeter of the plat, all lot lines and other sites, and building setback lines in feet, if such building setback lines are to be in excess of these required by the applicable zoning regulations:
- K. All dimensions, linear and angular, necessary for locating the lines of lots, tracts, or parcels of land streets, alleys easements and boundaries of the subdivision. The linear dimensions are to be expressed in feet and decimals of feet. The plat shall show all curve data necessary to reconstruct on the ground all curvilinear boundaries and lines and radii of all rounded corners.
- L. The location, dimensions in feet and hundredths of feet of all easements, together with an indication of the purpose or purposes of each easement.
- M. Closure: The perimeter and blocks of the plat shall close to an allowable unadjusted error of one in 7500. Latitudes and departure computations shall be submitted. All lines in the plat shall meet this standard accuracy.
- N. All lake, pond stream or river shore meander lines established by the surveyor indicating the high and low water marks, If any area within the plat is subject to flooding, the minimum floor elevation for each lot which is subject to flooding shall be indicated.
- O. The description location and elevation of all benchmarks.
- P. All Lot and Block numbers.
- Q. The description and location of all permanent monuments set in the subdivision.
- R. Accurate location, size, type and material of all monuments, an indication of whether such monuments were found or set and an indication of whether such monuments were found or set and an indication of bench mark elevation and datum controlling such bench mark elevation for any flood hazard area contained in the subdivision.
- S. Names in dotted lettering of adjacent plats with location of adjoining streets shown by dashed lines.
- T. Accurate locations of any area to be dedicated or reserved for public use or acquisition with the purpose(s) indicated thereon. Any area to be reserved by covenant or deed restriction for the common use by the owners in the subdivision shall also be located and noted.
- U. Legal description of the lands being subdivided.
- V. Restrictive covenants or deed restrictions applicable to the land contained in the plat either directly on the plat or attached thereto. Such covenants and restrictions shall clearly indicate the disposition of all land within the plat with respect to liability, maintenance and other responsibility, and shall provide for following items:
1. Provisions for the prohibiting maintaining of nuisances.
  2. Provisions with reference to utility and drainage easements including the specific provisions that any tree, shrub, fence or other structure or installation placed or allowed to grow in any easement shall be subject to the paramount right of the utility or County to install, repair, replace and maintain its installations and the utility and County shall not be liable for replacement or reinstallation of such trees, shrubs, fences or other installation placed or allowed to grow in such easement.
  3. Provisions for maintaining proper site distances at street and alley intersections, as required by the Zoning Resolution/Ordinance and this resolution/ordinance.
  4. Such other provisions as may be consistent with the use and protection of the subdivision, including provisions for the amendment and enforcement of the covenants or restrictions by any aggrieved property owner in the subdivision.
- W. Certificate of Dedication signed and acknowledged by all parties having any title interest in the land subdivided and consenting to the preparation and recordation the plat as submitted
- X. Certification and signature of the surveyor certifying to the effect that the final plat accurately represents a survey made by him/her or under his/her direct supervision, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown on the plat actually exist

on the ground or will be installed and their position and description is correctly shown and that all dimensional and geodetic data are correct. The following certificates are required on all Final Plats:

1. Owner's Certificate together with Notary.
2. Surveyor's Certificate
3. County Treasurer Certification
4. Planning Commission Certification
5. County Supervisors or Village Board Certification
6. County Surveyor's Certificate OR a letter of acknowledgement from the County Surveyor that he/she has reviewed the Plat.
7. Registrar of Deeds Certificate

Y. The following are examples of above listed Certificates.

1. The surveyor or engineer preparing the plat shall sign the plat. The following surveyor's certification may be used on all plats.

#### SURVEYORS'S CERTIFICATION

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

\_\_\_\_\_  
Surveyor Signature

\_\_\_\_\_  
Date

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

#### OWNER'S CERTIFICATION

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

This subdivision shall be known and designated as \_\_\_\_\_ (name) \_\_\_\_\_, and addition to the Village of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, Nebraska. *(Delete this last sentence if the subdivision is located outside the corporate limits and will not be not be annexed to the Village.)*

All streets and alleys shown are to be private streets owned and maintained by the owners of the property within the subdivision and such streets shall allow, by public use easement, vehicular and utility access to lots within the subdivision unless specifically noted hereon that such streets and alleys are to be dedicated to the public and are hereby dedicated to the public, subject to acceptance of dedication by the Fillmore County Board of Supervisors / Village Board. Any other public lands shown hereon and not heretofore dedicated are hereby dedicated for public use, subject to acceptance of said dedication by the County Board of Supervisors / Village Board.

*( Where applicable, statements regarding the creation of owner's association or other entity appropriate to providing assessments on property owners for the maintenance of all private streets and other common use facilities subdivision shall be included.)*

Clear title to the land contained in this plat is guaranteed unless encumbrances or special assessments are noted and explained as follows:





**503.07 RECORDING OF ACTION BY THE PLANNING COMMISSION**

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

**503.08 ACCEPTANCE BY THE COUNTY BOARD / VILLAGE BOARD**

Upon signing the final plat, the Chairperson of the Planning Commission shall forward such approved plat and related construction plans and specifications, if applicable, to the County Board of Supervisors / Village Board. The County Board of Supervisors / Village Board shall approve or reject such plat and plans and specifications and accept or reject any dedications indicated thereon. If rejected, the County Board of Supervisors / Village Board shall state the specific reason(s) for the rejection. The County Board of Supervisors / Village Board shall notify the subdivider of the action of the Board within thirty (30) days of its meeting and shall state all reasons for rejection in writing.

**503.09 RECORDING OF FINAL PLATS**

The developer will be responsible for the filing of the Final Plat with the Registrar of Deeds and paying the recording fees. The recording of any plat shall be without legal effect unless said plat bears the certifications and signatures of the persons and governing officials as specified in this resolution/ordinance. The developer shall submit three copies of the final plat as recorded and three copies of all construction plans and specifications, if applicable, to the Zoning Administrator. Until such copies have been filed no zoning permit or other permit shall be issued for any lot therein. If the subdivision improvements are to be designed and installed by the Village and an assessment district is to be utilized to finance such improvements, such approved final plat shall be retained by the administrator until such time as the plans and specifications for such improvements have been prepared and approved by the Village Board. Upon such approval, the final plat shall be released to the subdivider for recordation. Construction on such improvements shall not be initiated unless and until the final plat has been recorded.

Every final plat approved by the Planning Commission and the County Board of Supervisors / Village Board after the effective date of this resolution/ordinance shall be recorded within two (2) years after the date of the Planning Commission’s meeting at which said plat was approved or such final plat shall become void and shall only be recorded after re-approval by the Planning Commission and the County Board of Supervisors / Village Board.

**SECTION 504 VACATION OF PLAT OF RECORD**

504.01 CONDITIONS: A subdivider may make application to the Planning Commission to vacate any plat of record under the following conditions:

- 1. The Plat to be vacated is a legal plat of record.
- 2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
- 3. Vacation of the subdivision will not be contrary to the Comprehensive Plan.

504.02 PROCEDURES: The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the County Board of Supervisors/Village Board. The County Board of Supervisors/Village Board shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Fillmore County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

**SECTION 505 REPLATS/SMALL TRACT SUBDIVISIONS**

Whenever a subdivision or re-subdivision of a parcel consists of four or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Zoning Administrator, separate submission will not serve the public interest and will not conflict with the intent of these regulations.

505.01 **CONCURRENT PLATS SHALL:**

1. Be discussed with the Zoning Administrator at a scheduled pre-application Conference.
2. Be submitted to the County/Village Clerk according to the appropriate application schedule.
3. Be accompanied by the applications fees and completed application forms as required.
4. Follow the procedure set forth herein and contain the required information Preliminary and Final Plats.
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
6. Exceptions: Drainage reports shall not be required for the following:
  - A. Subdivision of existing tax lots that are primarily developed.
  - B. Subdivision of a farmstead that creates not more than two lots and allows for the split of the main residence from the remaining farmstead.
  - C. Acreages where lots are not less than one acre in size.
7. Changes required by the Planning Commission shall be made prior to submission to governing body. Final plans shall be submitted to the Zoning Administrator at least 15 days prior to the next regular meeting of the Governing Body.
8. A final plat, in conformance with these regulations, shall be submitted to the County Board of Supervisors/Village Board for review and action prior to start of construction.

**SECTION 506 LOT SPLITS AND ADMINISTRATIVE SUBDIVISIONS/PLATS**

506.01 **GENERAL**

The intent of this section is to provide for the issuance of zoning permits on tracts/lots that are divided, consolidated, or having their boundaries adjusted into not more than three tracts/lots without having to re-plot said tract/lot, provided that the resulting lots shall not again be divided without replatting.

506.02 **ZONING ADMINISTRATOR AUTHORITY**

The Zoning Administrator is hereby authorized to approve on behalf of the Planning Commission and governing body, further subdivisions of existing platted lots and blocks whenever all required improvements have been installed, no new dedication of public rights-of-way or easements are involved, and such subdivisions comply with the Comprehensive Plan, the Transportation Plan and all applicable zoning regulations.

506.03 **PLANNING COMMISSION APPROVAL WAIVED**

A recommendation of the Planning Commission for administrative subdivisions (plats) of existing lots shall not be required and only the certification of the governing body shall be needed prior to recordation of an administrative subdivision.

506.04 **APPLICATION PROCEDURE**

Requests for lot split, lot consolidation, or boundary adjustment approval (administrative plats) shall be made by the owner of the land to the Zoning Administrator. A total of at least three (3) copies of a scale drawing of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, consolidated or adjusted, at least three (3) copies of a survey of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed plat shall accompany the application.

506.05 **APPROVAL GUIDELINES**

Approval or disapproval of administrative plats shall be made based on the following guidelines:

1. No administrative plat shall be approved if:
  - A. A new street or alley is needed or proposed.
  - B. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - C. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - D. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
  - E. All easement requirements have not been satisfied.

- F. If such split, consolidation or adjustment will result in a tract without direct access to a street.
  - G. A substandard-sized lot or parcel will be created.
  - H. If the lot has been previously split in accordance with these regulations.
2. No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the Regulation requirements concerning minimum areas and dimensions of such lots.
  3. The Zoning Administrator and County Board of Supervisors/Village Board may make recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations.
  4. The County Board of Supervisors/Village Board, may either approve, with or without conditions, or disapprove the administrative plat application. The County Board of Supervisors/Village Board shall sign and furnish a certificate of approval to be affixed to the plat and a certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

506.06 **FILING FEE**

The filing fee for lot splits and administrative plats shall be set by the Governing Body.

# ARTICLE 6 SUBDIVISION DESIGN STANDARDS

## SECTION 601 GENERAL REQUIREMENTS

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

All subdivisions designs shall conform to the standards of the Comprehensive Plan of current adoption and the Zoning resolution/ordinance of the County/Village. And all required improvements and installations shall be constructed or installed to conform with the provisions of this resolution/ordinance and the standard specifications of the County/Village.

## SECTION 602 STREETS / ROADS

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

### 602.01 STREET EXTENSIONS

When applicable, the street layout in the proposed subdivision shall provide for the continuation or appropriate projection of streets already existing in areas adjacent to the area 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 the subdivision. 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 street extension be of less width than the minimum width required for the classification of such street by this resolution/ordinance

### 602.02 DEDICATION OF RIGHTS-OF-WAY OR GRANTING OF EASEMENTS FOR NEW STREET

The dedication of rights-of-way or granting of public use easements for new streets, measured from lot line to lot line, shall be as shown on the Transportation Plan, a component of the Comprehensive Plan, and shall meet the right-of-way width requirements as set forth in the corresponding Schedules A, B-1 and B-2. All streets classified as major or other arterial streets on such Transportation Plan shall have all points of access approved and authorized by the County Board of Supervisors / Village Board. Dedication or creation of easements of one-half (1/2) right-of-way or one-half (1/2) easements Subdivision. For a proposed street along the boundaries of the land being subdivided it shall to be practical and reasonable to require dedication or creation of an easement for the other one-half (1/2) of the right-of-way or easement when the adjoining property is subdivided.

Marginal access street (frontage roads and loop streets) shall be required by the Planning Commission for subdivisions fronting on a street classified in the County's Transportation Plan as a major arterial street where existing development would not prohibit the extension of a marginal access street for at least a distance of one hundred fifty (150) feet from either side of the side lot line of the lot or lots being subdivided or if the frontage of the subdivision in question on such major arterial street is three hundred (300) feet or more. If lots back up to a major arterial street and such lots have access other than the arterial street frontage, a marginal access street may not be required. (Refer to Section 602.07).

### 602.03 DEDICATION OF RIGHTS-OF-WAY OR GRANTING OF EASEMENTS FOR EXISTING STREETS

Subdivisions platted along existing streets shall dedicate additional right-of-way or grant additional public use easements, if necessary, to meet the minimum street right-of-way standards set forth in the resolution/ordinance. The entire minimum right-of-way shall be dedicated or granted as a public use easement where the subdivision is on both sides of an

existing street. When the Subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the centerline of the existing street shall be dedicated or granted as a public use easement.

#### **602.04 INTERSECTIONS**

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

#### **602.05 HORIZONTAL AND VERTICAL STREET**

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe site distances shall be provided. The minimum radii of street curves shall be as set forth in Schedules A, B-1, and B-2 of this resolution/ordinance.

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

#### **602.06 STREET GRADES AND ELEVATIONS**

Street grades shall not exceed the maximum grades set forth in Schedules A, B-1 and B-2 of this resolution/ordinance unless increased grades are approved by the Planning Commission, the County Board of Supervisors / Village Board and, if necessary, the State Board of Classification and Standards.

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

The Planning Commission and County Board of Supervisors / Village Board shall not approve streets which will be subject to inundation or flooding based upon a ten (10) year storm. All streets must be located at elevations which will make them flood-free from such design intensity storm in order that portions of the subdivisions will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles or elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights. Street grades shall conform to the minimum requirements provided in Schedules A, B-1 and B-2 of this resolution/ordinance.

#### **602.07 MARGINAL ACCESS STREETS**

Where a subdivision abuts or contains an existing or proposed major arterial street, the Planning Commission and County Board of Supervisors / Village Board shall require marginal access streets, reverse frontage lots with screen planting contained in a no-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 the platted properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed major arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission shall require that marginal access streets be provided in order that no new lots shall 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, such as for park purposes in residential districts, or for commercial industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**602.08 STREET JOGS**

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

**602.09 CUL-DE-SAC STREETS**

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than one thousand (1000) feet and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the outside of the right-of-way of at least seventy (70) feet.

**602.10 STREET NAMES**

Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of any existing street.

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

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

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

**602.11 PRIVATE STREETS AND RESERVE STRIPS**

New private streets may be created, provided such streets are specifically authorized by the County Board of Supervisors / Village Board under the terms of this resolution/ordinance and provision is made for proper maintenance and snow removal from such streets in accordance with the requirements of this resolution/ordinance.

**602.12 SITE DISTANCE AT INTERSECTIONS**

The following paragraphs shall be required as a provision of the restrictive covenants of all final plats:

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

B. The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two (2) street lines except for arterial street intersections governed in Section 502.04.

**602.13 VISIBILITY REQUIREMENTS**

Minimum horizontal visibility measured on inside travel lane center line shall be three hundred fifty (350) feet on major and other arterial streets, two hundred seventy five (275) feet on collector streets, and two hundred (200) feet on local and other minor streets or as required by the State Board of Classifications and Standards, whichever is greater.

## **SECTION 603 ALLEYS**

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes, except that the Planning Commission and County Board of Supervisors / Village Board may waive this requirement where other definite and assured provisions are made for service access. The minimum width of an alley shall be twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided and if such dead-end alleys occur, such shall be equipped with a turnaround with a minimum radius of twenty-five (25) feet.

## **SECTION 604 BLOCKS**

The lengths, widths and shapes of blocks shall be determined with due regard to the provision of adequate access and circulation, building sizes suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations of opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand three hundred twenty (1,320) feet.

## **SECTION 605 LOTS**

### **605.01 GENERAL**

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

### **605.02 LOT DIMENSIONS**

Lot dimensions shall conform to the requirements of the applicable zoning district. Residential lots not served by a public sewer may be required to be larger to protect against health hazards of on-site sewage disposal and potential contamination of nearby domestic wells.

### **605.03 CORNER LOTS**

Corner lots for residential use shall have additional width to permit required building setback distances, adequate buildable area and orientation of the residential structure to one or both streets.

### **605.04 ACCESS TO LOTS**

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

### **605.05 DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS**

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

### **605.06 ANGLE OF SIDE LOT LINES**

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

### **605.07 SETBACK LINES**

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

## **SECTION 606           SIDEWALKS**

### **606.01 GENERAL**

Sidewalks in subdivisions in the unincorporated areas of the County which are included in the AG – Agricultural zoning district shall not be required. Sidewalks in subdivisions, include minor subdivisions in the unincorporated areas of the County which are included in the TA Transitional Agricultural zoning district shall not be required, except in cases where the average lot size in the subdivision is less than twenty thousand (20,000) square feet and the average lot width is less than seventy five (75) feet where sidewalks shall be required.

In subdivisions where sidewalks are required, such sidewalks shall be labeled upon the improvement plans and installed by the subdivider, except where unusual conditions exist which eliminate the need for sidewalks and an exception to eliminate all or a portion of the sidewalk construction requirement is recommended by the planning Commission and approved by the County Board of Supervisors / Village Board as part of the final plat approval process.

### **606.02 STANDARDS**

Where required, sidewalks shall be installed within the boundaries of a plat regardless of the use of land in the subdivision and such sidewalks shall be installed according to the following standards:

A. Along both sides of all streets within the subdivision, in which case the edge of the sidewalk farthest from the street shall be placed one (1) foot inside the street right-of-way line. The minimum sidewalk width shall be four (4) feet.

B. All sidewalks shall extend to the street pavement at all intersections and at mid-block crossing where appropriate and shall be equipped with handicap access ramps.

C. In neighborhoods planned as cluster developments, sidewalk locations may be adjusted to accommodate the most efficient pedestrian circulation through and to and from the development, including sidewalks in rear yards and elsewhere to accomplish such efficiency in pedestrian movement.

D. The Planning Commission may recommend notification of the requirements of this Section and the County Board of Supervisors / Village Board may modify the requirements of this Section, but only in instances where park, railroads, extreme topographical conditions or other unusual conditions, excluding use of the property, make sidewalk installation non-essential or unnecessary on both sides of the street.

## **SECTION 607           FLOOD AND TOPOGRAPHIC HAZARD AREAS**

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be included in a subdivision and be set aside on the plat for such uses as will be compatible with the hazards associated with the flooding or erosion. The Planning Commission shall recommend and the County Board of Supervisors / Village Board shall be required that any building lot situated in a flood prone area be elevated a minimum of one (1) foot above the one hundred (100) year flood elevation in accordance with the requirements of the Zoning Resolution/Ordinance and the Federal Flood Hazard Insurance Program.

## **SECTION 608           EASEMENTS**

Where needed and necessary easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage and such easements shall be at least twenty (20) feet wide on rear lot lines with ten (10) feet of such easement being on each side of a rear lot line and twelve (12) feet in width on side lot lines. Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as will be adequate for the purpose of retaining the water handling capacity of the water course.

## **SECTION 609            COMMUNITY ASSETS**

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

## **SECTION 610            RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE**

Before preliminary or final plat approval is given, the Planning Commission may recommend and County Board of Supervisors / Village Board may require the subdivider to reserve sites for parks, playgrounds open space, schools and other public uses consistent with the Comprehensive Plan of the County/Village, as determined by the Planning Commission and County Board of Supervisors / Village Board. Reservation of land for public acquisition and/or use shall be for a period of time not to exceed two (2) years from the date the final plat wherein such reserved area is located is recorded unless otherwise provided in this resolution/ordinance. If such reserved site is not acquired by the County/Village or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site and sell any or all of such site. Where a park, playground, school, or other site for public use, indicated in the Comprehensive Plan, is located in whole or in part in an area proposed to be subdivided the County Board of Supervisors / Village Board may require immediate acquisition of such site by the County or other governmental entity or accept the dedication of such area.

## **SECTION 611            DEDICATION**

Before final plat approval is given, the subdivider shall agree to grant public use easements for streets or, with the approval of the County Board of Supervisors / Village Board, dedicate rights-of-way for streets as may be recommended by the Planning Commission and required by the County Board of Supervisors / Village Board, provided that it is the policy of the Comprehensive Plan and the Fillmore County Board of Supervisors / Village Board that the County/Village will not accept dedication of streets and alleys not part of the County/Village road system as of the date of adoption of this resolution/ordinance. All such streets and alleys to be developed with the subdivision which are not part of the County road system as of the date of adoption of this resolution/ordinance are to be developed as private streets and the subdivider shall make adequate provision, as determined by the Planning Commission and County Board of Supervisors / Village Board, for an owner's association or other responsible entity with direct responsibility to and control by the property owners of the subdivision to provide for the proper maintenance of all such private streets and alleys, the removal of debris and the timely removal of snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association shall be self-perpetuating and has the authority to collect assessments upon owners of land in the subdivision to accomplish the required street and alley maintenance.

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

# ARTICLE 7                    REQUIRED IMPROVEMENTS

## SECTION 701                    GENERAL REQUIREMENTS

The subdivider shall design and construct improvements using standards not less than the standards outlined in this resolution/ordinance. All plans and specifications for such improvements shall be reviewed and recommended by the Planning Commission and approved by the County Board of Supervisors / Village Board upon recommendation of the County Highway Superintendent or the designated Engineer of the County/Village.

If the subdivider is to install such improvements, all construction work shall be done under the supervision of the County/Village and shall be completed within the time limitations set forth herein. The minimum requirements for materials shall be in accordance with the standard specifications of the County/Village which are currently in force or as approved by the County Highway Superintendent or the County's/Village's designated Engineer. Standards applicable to health and sanitation as promulgated by the Nebraska Departments of Environmental Quality and Health shall be minimum standards unless higher standards are required by the County/Village.

All inspection costs and costs for required tests shall be the responsibility of the subdivider.

## SECTION 702                    MONUMENTS

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

### 702.01 MONUMENT LOCATIONS

Monuments shall be installed at:

- A. The intersection of all angles in the boundary line of subdivision
- B. The intersection of all street and alley right-of-way lines within and on the Perimeter of the subdivision.
- C. The beginning and ending of all curves in street and alley right-of-way lines, except corner easements having a radius of fifty (50) feet or less.
- D. All points where lot lines intersect street or alley right-of-way lines.
- E. All points where curves begin and end.
- F. Such other points as are necessary to definitely establish all major plat lines.
- G. All other lot corners not established by monument.
- H. All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.
- I. Such other points as are necessary to definitely establish all major plat lines.

### 702.02 MONUMENT CONSTRUCTION

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

### 702.03 REPLACEMENT OF MONUMENTS

The replacement or installation of monuments at points designated in the Federal Land Survey System shall be accomplished in accordance with the standards and requirements of the Nebraska State Board of Examiners for Licensed Land Surveyors.

### 702.04 TEMPORARY MONUMENTS

Temporary monuments and markers may be installed during construction of subdivision improvements, provided however, that permanent monuments and markers shall be a part of the physical improvements covered under the subdivider's financial guarantees required in this resolution/ordinance and such monuments shall be installed in accordance with the requirements of this resolution/ordinance.

## **SECTION 703 STREET GRADING**

All streets shall be graded to the minimum widths set forth in Schedules A, B-1 and B-2 of this resolution/ordinance.

## **SECTION 704 STREET CONSTRUCTION**

### **704.01 PAVEMENT**

Minimum requirements for pavement construction shall be in accordance with the specifications of the County/Village or as approved by the Planning Commission and County Board of Supervisors / Village Board, but in no event shall such standards be less than that required by the Minimum Design Standards adopted by the State Board of Public Roads Classification and standards.

Upon recommendation by the County Highway Superintendent or the County's/Village's designated Engineer, higher design standards may be required by the County Board of Supervisors / Village Board to provide adequately for unusable soil conditions or extraordinary traffic volumes, axle loads or other abnormal characteristic.

All streets in subdivisions in the unincorporated areas of the County in which the average lot size exceeds Twenty Thousand (20,000) square feet and the average lot width exceeds Seventy Five (75) feet shall be surfaced with material acceptable to the County Board of Supervisors / Village Board.

All streets in subdivisions in which the average lot size is less than Twenty Thousand (20,000) square feet and the average lot width is less than Seventy Five (75) feet and in subdivisions where the subdivider desires to have the streets paved, shall be paved with asphalt, concrete or asphaltic concrete in accordance with the specifications of the County, as recommended by the County Highway Superintendent or designated Engineer. The subgrade for rigid and flexible pavements shall be prepared in compliance with the specifications of the County or in accordance with the requirements established by the Planning Commission and County Board of Supervisors / Village Board, upon recommendation by the County Highway Superintendent or designated Engineer.

### **704.02 SHOULDERS, SIDE SLOPES AND DITCHES**

All shoulders, side slopes and ditches shall be prepared in compliance with the specifications of the County/Village. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeding as recommended by the County Highway Superintendent or designated Engineer. Plans for erosion control shall be part of the final plat improvement plans to be submitted and approved.

### **704.03 MINIMUM PAVEMENT / SURFACE WIDTHS**

Pavement / surface widths shall be measured between the curbs and shall have a minimum width for the classification of the street as set forth in Schedules A, B-1 and B-2 of this resolution/ordinance.

### **704.04 CURBS AND GUTTERS**

Curbs and gutters may be required for all streets within the boundaries of the subdivision where the average lot size is less than Twenty Thousand (20,000) square feet and the average lot width is less than Seventy Five (75) feet upon recommendation by the County Highway Superintendent or designated Engineer.

## **SECTION 705 STREET NAME SIGNS**

At least one (1) street name sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located on the northeast corner thereof, whenever possible, and on the park strip between the street and the sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Street name signs of a type in use throughout the County or approved by the Designated Engineer shall be erected by the subdivider.

## **SECTION 706      CULVERTS**

Culverts shall be constructed and installed whenever necessary to provide adequate surface drainage, as determined by the Planning Commission and County Board of Supervisors / Village Board in their review and approval of the subdivision plat and associated improvement plans and specifications.

## **SECTION 707      SIDEWALKS**

Sidewalks shall be constructed in conformance with the requirements of this resolution/ordinance and shall be constructed of Portland cement concrete or other acceptable materials approved by the Planning Commission and County Board of Supervisors / Village Board in the approval of the subdivision plat and associated improvement plans and specifications. Sidewalk thickness shall not be less than four (4) inches. The subdivider need not install such sidewalks until building construction is completed on a lot by lot basis to avoid damage by heavy construction equipment. The subdivider shall provide appropriate financial assurances, as set forth in this resolution/ordinance, and such assurances shall be retained until all sidewalks have been constructed. In no event shall sidewalk construction on an undeveloped lot be postponed longer than three (3) years after approval of the final plat for the subdivision by the County Board of Supervisors / Village Board.

## **SECTION 708      DRIVEWAYS**

Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall not be closer than three (3) feet from a side lot line. Curb cuts shall be three (3) feet wider than the driveway and each side to provide for a radius on the driveway surface.

## **SECTION 709      STREET AND WALKWAY LIGHTING**

Unless an exception is approved by the County Board of Supervisors / Village Board, subdivisions where the average lot size is less than Twenty Thousand (20,000) square feet and the average lot width is less than Seventy Five (75) feet, the subdivider shall provide easements for electrical power access to and shall install street lights of a type acceptable to the County at each entrance (street or sidewalk) into the subdivision and at each street intersection within the subdivision and at such intermediate points so that street or walkway light spacing does not exceed three hundred (300) feet between such lighting fixtures. Such lighting in new subdivisions shall not utilize underground wiring and appropriate easements for such wiring as indicated on the approved final plat.

## **SECTION 710      DRAINAGE**

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

### **710.01 DRAINAGE REPORT**

A preliminary subdivision plat, other than a minor or administrative subdivision, as herein defined, shall not be considered for final approval until the subdivider shall submit a drainage report prepared by a registered professional engineer or surveyors as to the existing and proposed drainage conditions. The report may be included on the preliminary plat or attached to the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems. The report shall include:

A. Estimates of the quantity of storm water entering the subdivision naturally and estimates of such storm water when the upper watershed shall be developed in a manner in which it is zoned.

B. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.

- C. Quantities of flow at each pick-up point.
- D. Estimates of temporary erosions control measures necessary to control erosion during construction.
- E. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm.
- F. A description of the impacts that the proposed drainage system will have on property downstream of the subdivision to the point where such water drains into a recognized water course and how any increase in the rate of runoff will be regulated to avoid negative impacts on downstream property or public or private culverts, bridges or roadways.

**710.02 DRAINAGE REQUIREMENTS**

The subdivider shall provide adequate drainage facilities with the subdivision including storm sewers determined to be necessary by the Commission upon recommendation of the County's/Village's designated Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersectional drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the Commission upon recommendation by the County Highway Superintendent or designated Engineer.

**710.03 DRAINAGE SYSTEM STANDARDS**

- A. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches and culverts.
- B. Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers a drain inlet structure and a protective grating shall be installed.
- C. All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.
- D. All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat.

**SECTION 711 SANITARY SEWAGE DISPOSAL**

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

**711.01 RURAL DENSITY SUBDIVISIONS**

In subdivisions in which the minimum lot size is more than Twenty Thousand (20,000) square feet and the minimum lot width is more than Seventy Five (75) feet, a privately operated sewer collection, treatment and disposal system acceptable to the County Board of Supervisors / Village Board or individual on-site sewage disposal systems, such as a septic tank and tile field, may be used. If individual on-site sewage disposal systems are to be used, the subdivider shall provide documentation of percolation rates on each lot which will adequately support such individual on-site systems and shall verify through documentation that the lots are not subject to a seasonal or permanent high water table. The Planning Commission and Board of Supervisors/Village Board may require additional lot area and/or width in areas where soil percolation is slow and may require greater length of tile fields or greater spacing between such individual disposal systems.

The Planning Commission and Board of Supervisors/Village Board shall not approve a subdivision in instances where soil percolation is inadequate to support individual sewage disposal system and/or where high water tables may exist unless a suitable and adequate substitute sewage disposal system is provided.

**711.02 URBAN DENSITY SUBDIVISIONS**

Within the corporate limits of the Village of Exeter / Fairmont / Grafton / Milligan / Ohiova / Shickley, if the village maintains a public sanitary sewer system, a sanitary sewer collection system, including all pipes and manholes, shall be provided and said collection system shall be connected to the public sewage supply system in accordance with plans acceptable to the Planning Commission and Village Board.

If a public sanitary sewer system is not maintained by the Village, a privately operated sewer collection, treatment and disposal system acceptable to the County/Village Board or individual on-site sewage disposal systems, such as a septic tank and tile field, may be used.

In subdivisions outside any corporate limits in which the minimum lot size is less than Twenty Thousand (20,000) square feet and the minimum lot width is less than Seventy Five (75) feet, if a public sanitary sewer system is maintained by a nearby Village or City within 500 feet, a sanitary sewer collection system, including all pipes and manholes, shall be provided and said collection system shall be connected to a public sewer of the Village or City in accordance with plans acceptable to the Planning Commission and the Village Board / City Council if:

A. All sewer lines shall be a minimum of eight (8) inch diameter, except for service lines from the sewer main to the property line of each lot shall be at least four (4) inches in diameter. The location of each service line shall be marked.

B. Manholes shall be provided at all interceptor and lateral junctions, at the end of each line and at all changes in direction, grade and size.

## **SECTION 712 WATER SUPPLY**

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

### **712.01 RURAL DENSITY SUBDIVISIONS**

In subdivisions in which the minimum lot size is more than Twenty Thousand (20,000) square feet and the minimum lot width is more than Seventy Five (75) feet, private water supply wells may be used.

### **712.02 URBAN DENSITY SUBDIVISIONS**

Within the corporate limits of the Village of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley, if the village maintains a public water supply system, a water distribution system, including all pipes, fire hydrants, valves and other appurtenances, shall be provided and said distribution system shall be connected to the public water supply system in accordance with plans acceptable to the Planning Commission and Village Board.

In subdivisions outside any corporate limits in which the minimum lot size is less than Twenty Thousand (20,000) square feet and minimum lot width is less than Seventy Five (75) feet, if a public water system is maintained by a nearby Village or City within 500 feet, a water distribution system, including all mains, laterals, valves and fire hydrants, shall be provided and said distribution system shall be connected to a public water system of the Village or City in accordance with plans acceptable to the Planning Commission and the Village Board / City Council if:

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

B. Said public water main is located within five hundred (500) feet of the proposed subdivision or, a public water main is located at a greater distance from the proposed subdivision, but the cost of installing the connecting main and water distribution system to all lots shown upon the final plat of the subdivision, exclusive of connections to individual structures, is equal to or less than one hundred fifty (150) percent of the total cost of installing individual wells on each lot shown on such final plat, and;

C. The Village or City agrees to allow the subdivision to connect to its public water system.

If an urban density subdivision is not so located relative to a public water main or the municipality does not maintain a public water system, or the municipality does not agree to all the subdivision to be connected to its water system, individual private water supply wells may be utilized.

### **712.03 STANDARDS**

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

A. The minimum water main or pipe size shall be determined by the type of use(s) to be served and the provision of adequate fire flow capacities within the subdivision. Generally, water lines shall be at least six (6) inches in diameter.

B. The maximum distance between fire hydrants shall be determined by the Village Board / City Council, but generally any portion of the proposed subdivision shall be within two hundred fifty (250) feet of a fire hydrant.

C. Gate valves on cross-connecting water lines shall be so located that no single break in the water distribution system within the subdivision shall require more than five hundred (500) feet of such line to be out of service in commercial and industrial use areas. Valves on cross connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution mains.

D. The design and testing of all water lines shall be in accordance with applicable standards of the applicable Village / City and the Nebraska Department of Health.

## **SECTION 713 SHARED IMPROVEMENT COSTS**

### **713.01 OVERSIZE AND OFF- SITE IMPROVEMENTS**

The utilities, street pavement and other improvements required for the proposed subdivision may be required by the Planning Commission and County Board of Supervisors / Village Board to be oversized or extended to serve nearby land or anticipated future development. This determination shall be made at the sole discretion of the Planning Commission and County Board of Supervisors / Village Board in consultation with the Zoning Administrator and the County Highway Superintendent or designated Engineer.

### **713.02 COST OF OVERSIZE IMPROVEMENTS**

Minimum street pavement widths for all streets in a subdivision shall conform to the standards established in Schedules A, B-1 and B-2 of this resolution/ordinance. Minimum utility sizes shall be determined by the standards of the applicable municipality, sanitary improvement district or other appropriate entity with regard to providing service to the subdivision in question. Where greater pavement widths are deemed necessary, the County shall bear the additional cost of providing such greater width. Where greater water or sewer main sizes are deemed necessary, the Sanitary Improvement District or other appropriate entity may bear the additional cost of providing such greater sizes. In the event the Sanitary Improvement District or other appropriate entity agrees to pay for the additional cost of oversizing of streets or utilities, the subdivider shall be required to pay for the part of the construction costs for the arterial streets, sewers, or water distribution mains which would be equivalent to constructing the minimum streets and utilities which would otherwise be required to serve the subdivision in question.

### **713.03 EXTENSIONS OF IMPROVEMENT TO BOUNDARIES OF A SUBDIVISION**

The subdivider may be required to extend streets, utilities, drainage or other improvements in a subdivision to the boundaries of such subdivision at the subdivider's expense to allow for service to future developments on adjoining lands, as determined by the Planning Commission and County Board of Supervisors / Village Board.

### **713.04 OFF-SITE EXTENSIONS**

If a subdivision contains lots less than Twenty Thousand (20,000) square feet in area and less than Seventy Five (75) feet in width, and utilities are available at the boundary of the proposed subdivision or within the distances or costs established in Sections 711 and 712 of this resolution/ordinance, and the planning commission and county board/village board determine that extensions of public water and/or sewer mains across undeveloped land are warranted, the subdivider, if he/she wishes to proceed, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to approval of the final plat for such subdivision unless the affected Sanitary Improvement district or other appropriate entity agrees to share in part or all of the cost of such off-site utility extensions. Such improvements shall be available for use by subdividers of adjoining lands, except that subdividers of such adjoining land shall pay to the

Sanitary Improvement District, village or other appropriate entity an amount equivalent to the cost of construction of such off-site improvements and the Sanitary Improvement District, village or other appropriate entity shall pay such amount to the subdivider who installed such off-site improvements.

## **SECTION 714 SUBDIVISION IMPROVEMENT GUARANTEES**

Prior to final plat approval, but after approval of all subdivision improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final plat approval shall not be given until all improvements have been determined to be in accordance with the approved plans and specifications and until dedication of all appropriate improvements and acceptance thereof by the County Board of Supervisors / Village Board. In lieu completion of construction of all improvements prior to final plat approval, the County Board of Supervisors / Village Board may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by the County/Village and this resolution/ordinance. To secure such an agreement, the subdivider shall provide, subject to approval and acceptance of the County Board of Supervisors / Village Board, one (1) or more of the guarantees set forth below:

### **714.01 SURETY PERFORMANCE BOND**

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska and acceptable to the County Board of Supervisors / Village Board. The bond shall be payable to the County/Village and shall be in an amount of one hundred ten (110) percent of the estimated cost of all improvements required to be installed by the subdivider. The estimated cost of such improvements shall be subject to review of the Administrator and approved by the County Board of Supervisors / Village Board. The duration of the bond shall be until such time as the improvements required to be installed by the subdivider have been installed, inspected and accepted by the County Board of Supervisors / Village Board in accordance with Section 714.07 of this resolution/ordinance.

### **714.02 ESCROW ACCOUNT**

The subdivider shall deposit cash or other instrument readily convertible to cash at face value, either with the County/Village or in escrow at a bank. The use of any instrument other than cash and the bank to hold such escrow shall be subject to approval by the County Board of Supervisors / Village Board. The amount of the escrow shall be equal to One Hundred Ten (110) percent of the estimated cost of all improvements required to be installed by the subdivider. The estimated cost of such improvements shall be subject to review of the Administrator and approval of the County Board of Supervisors / Village Board. The subdivider shall file with the County Board of Supervisors / Village Board an escrow agreement between the bank and himself / herself guaranteeing the following:

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

### **714.03 TIME LIMITS**

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

### **714.04 FAILURE TO COMPLETE IMPROVEMENTS**

If any portion of the improvements required to be installed by the subdivider shall fail to be completed and accepted in compliance with Section 714.05 below within the required time period, either for reason of non-completion or for reason

of substandard and unacceptable construction, the County Board of Supervisors / Village Board shall take one (1) of the following actions:

A. Where improvements have been guaranteed under Section 714.01 of this resolution/ordinance, the bond shall be forfeited to the County and the County shall use the proceeds from such bond to complete all improvements remaining to be installed.

B. Where improvements have been guaranteed under Section 714.02 of this resolution/ordinance, the County shall declare whatever security that has been pledged as a guarantee to be forfeited and the County shall use the proceeds from such guarantee to complete all improvements remaining to be installed.

#### **714.05 INSPECTION AND ACCEPTANCE OF IMPROVEMENTS**

The Subdivider's Engineer shall regularly inspect construction of the required improvements. Upon completion of improvements, the Subdivider's Engineer shall file with the County Board of Supervisors / Village Board a statement certifying that all improvements as required by the County Board of Supervisors / Village Board have been satisfactorily completed, that all such improvements meet or exceed the specifications for such improvements approved by the County Board of Supervisors / Village Board and that no defects exists in such improvements exist.

Upon satisfactory completion of all improvements, the subdivider shall file with the County Board of Supervisors / Village Board, a signed statement stipulating the following:

A. That all required improvements have been installed and are complete and that all required improvements are in compliance with the plans and specifications approved by the County Board of Supervisors / Village Board.

B. That the subdivider knows of no defect in any improvement and that all required improvements are free and clear from any encumbrance or lien.

Upon receipt of the required certifications listed above, the County Board of Supervisors / Village Board shall accept any applicable dedication of such improvements.

#### **714.06 RELEASE OF GUARANTEES**

Upon acceptance, in accordance with Section 714.05 above, the County Board of Supervisors / Village Board shall authorize the release of any outstanding surety or guarantee provided by the subdivider.

### **SECTION 715 OPERATION AND MAINTENANCE OF IMPROVEMENTS**

Unless specifically agreed by the County Board of Supervisors / Village Board, it is the intention of the County to provide no services other than planning, zoning and subdivision regulation administration to the land area within the County, but outside the corporate limits of the Villages of Exeter / Fairmont / Grafton / Milligan / Ohioa / Shickley / Strang, Nebraska and the City of Geneva, Nebraska. It shall therefore be the responsibility of the subdivider to present to the Planning Commission and County Board of Supervisors / Village Board a precise approach for the maintenance of streets and maintenance and operation of other subdivision improvements within a subdivision so located outside of the corporate limits of the incorporated municipalities at the time of request for final plat approval. Such approach shall include the formation and perpetuation of an owner's association or other appropriate and legal entity for generating the finances necessary for the proper maintenance and operation of the streets and other improvements with the subdivision. Such approach shall be binding on the subdivider in a form, agreement or contract acceptable to the County Board of Supervisors / Village Board.

## **ARTICLE 8: WAIVERS AND EXCEPTIONS**

### **SECTION 801 GRANTING OF WAIVERS (EXCEPTIONS) AND CONDITIONS**

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

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

### **SECTION 802 CLUSTER DEVELOPMENTS**

The Planning Commission and County Board of Supervisors/Village Board may also grant reasonable waivers to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a cluster development. The subdivider shall indicate where the plans vary from the requirements of this Resolution/Ordinance and shall present evidence to support such requests.

## **ARTICLE 9 AMENDMENTS**

### **SECTION 901 AMENDMENTS**

Any provision of these regulations may be amended, supplemented, changed, modified, or repealed from time to time by the governing body according to law, provided however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until a study conducted by the Planning Commission and a written recommendation of the Planning Commission is provided to the governing body.

# **ARTICLE 10                      ADMINISTRATION**

## **SECTION 1001            GENERAL**

### **1001.1 AUTHORITY**

It shall be the responsibility of the Zoning Administrator to administer and enforce these regulations and to bring to the attention of the Planning Commission and governing bodies any violation or lack of compliance with these regulations with regard to any subdivision within the jurisdiction of these regulations.

### **1001.2 LIMITATION ON TRANSFER OF REAL ESTATE**

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

### **1001.03 LIMITATION ON ZONING PERMITS**

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

## **SECTION 1002            OBJECTION PERIOD**

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

## **SECTION 1003            VIOLATIONS AND PENALTIES**

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

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a Class III Misdemeanor and shall be punishable by a fine not to exceed \$500.00 plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

# ARTICLE 11      LEGAL STATUS PROVISIONS

## SECTION 1101      REPEAL OF CONFLICTING REGULATIONS

All regulations in conflict with these regulations are hereby repealed to the extent necessary to give these regulations full force and effect.

## SECTION 1102      SEPARABILITY

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

## SECTION 1103      EFFECTIVE DATE

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

PASSED AND APPROVED BY THE FILLMORE COUNTY BOARD THIS 22<sup>ND</sup> DAY OF JANUARY, 2013.

\_\_\_\_\_  
County Board Chair

\_\_\_\_\_  
County Clerk

PASSED AND APPROVED BY THE EXETER VILLAGE BOARD THIS 8<sup>TH</sup> DAY OF AUGUST, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

PASSED AND APPROVED BY THE FAIRMONT VILLAGE BOARD THIS 29<sup>TH</sup> DAY OF APRIL, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

PASSED AND APPROVED BY THE GRAFTON VILLAGE BOARD THIS 5<sup>TH</sup> DAY OF AUGUST, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

PASSED AND APPROVED BY THE MILLIGAN VILLAGE BOARD THIS 12<sup>TH</sup> DAY OF AUGUST, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

PASSED AND APPROVED BY THE OHIOVA VILLAGE BOARD THIS 13<sup>TH</sup> DAY OF AUGUST, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

PASSED AND APPROVED BY THE SHICKLEY VILLAGE BOARD THIS 8<sup>TH</sup> DAY OF AUGUST, 2013.

\_\_\_\_\_  
Village Board Chair

\_\_\_\_\_  
Village Clerk

**SCHEDULE A:**  
**Minimum Street Standards**  
Villages of Exeter / Fairmont / Grafton / Milligan / Ohiova / Shickley, Nebraska

| <b>STREET CLASSIFICATION</b>               | <b>MINIMUM RIGHT-OF-WAY</b> | <b>MINIMUM PAVEMENT WIDTH (FEET)*</b> | <b>MINIMUM NUMBER OF LANES</b> | <b>MINIMUM SHOULDER WIDTH (FEET)</b> | <b>MAXIMUM GRADE (%)</b> | <b>MINIMUM CENTERLINE RADIUS (FEET)</b> |
|--|-----------------------------|---------------------------------------|--------------------------------|--------------------------------------|--------------------------|---|
| Arterial Street                            | 100                         | **                                    | 2                              | 4                                    | 7                        | 775                                     |
| Collector Street                           | 80                          | 40                                    | 2                              | 4                                    | 7                        | 300                                     |
| Local Street (Minor)                       | 50***                       | 27                                    | 2                              | 4                                    | 10                       | 200                                     |
| Cul-de-sac and Loop Street                 | 50****                      | 27****                                | 2                              | 3                                    | 10                       | 200                                     |
| Marginal Access Frontage Road – No Parking | 40                          | 22                                    | 2                              | 3                                    | 10                       | 200                                     |

\* Measured from back to back of curb

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

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

\*\*\*\* Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50) feet. Minimum pavement radius for the cul-de-sac turnaround shall be forty (40) feet.

**SCHEDULE B-1:  
MINIMUM DESIGN STANDARDS FOR URBAN STREETS (County)  
(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)**

| Roadway Classification                          | Design Year ADT | Design Speed (MPH)-Min. | Maximum Curve (Deg.) | Maximum Grade (%) | Number of Lanes-Min. | Lane Width Ft.-Min. | R.O.W. | Shoulder Width Ft.-Min. | Surfacing Type-Minimum       |
|---|-----------------|-------------------------|----------------------|-------------------|----------------------|---------------------|--------|-------------------------|------------------------------|
| Major Arterial*                                 | ***             | 50                      | 7                    | 7                 | 2                    | 12                  | 100'   | 8                       | Hard Surface                 |
| Other Arterial, includes all section line roads | ***<br>3,000+   | 30                      | 15                   | 8                 | 4                    | 11                  | 70'    | 8                       | Concrete with curb & gutters |
| Collector*                                      | 500-2,000       | 25                      | 20                   | 10                | 3                    | 12                  | 70'    | 6                       | Concrete with curb & gutters |
| Local, includes interior sub. streets           | 200-500         | 25                      | 30                   | 10                | 2                    | 14                  | ****   | 6                       | Concrete with curb & gutters |
| Alleys  | NA              | 15                      | 30                   | 15                | 1                    | 10                  | 20'    | None                    | Concrete with curb & gutters |
| Cul-de-Sac** Streets                            | 0-200           | 15                      | 30                   | 10                | 2                    | 12.5                | 110'   | 4                       | Concrete with curb & gutters |

SOURCE: 2008 Minimum Design Standards of the State of Nebraska Board of Public Roads.

- \* Streets in these classifications shall be designed and graded to full right-of-way widths stated.
- \*\* Cul-de-Sac streets shall have a right-of-way diameter of 110 feet at their terminal end, a pavement turn around diameter of 80 feet, and a maximum length of 600 feet.
- \*\*\* Design should be based on 1200 V.P.H. per lane in design year, or 250-500 V.P.H. per lane in design year when cross and turning traffic is sufficiently great to require signal control. "Design Year" shall be year of initial construction plus 20 years.
- \*\*\*\* Minimum ROW for an interior subdivision street may be reduced to 50 feet dependent on location of utilities to the front or rear of the properties with the subdivision. A minimum of 50 feet for roadway and drainage purposes shall be platted and the minimum ROW shall be increased to contain the full extent of any required cuts and/or fills.

**SCHEDULE B-2**  
**MINIMUM DESIGN STANDARDS FOR RURAL ROADS AND HIGHWAYS**  
**(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)**

| Roadway Classification | Design Year  |           | Design Speed (MPH)-Min. | Maximum Curve (Deg.) | Maximum Grade (%) | Number of Lanes-Min. | Lane Width Ft.-Min. | R.O.W. (Feet) | Surfacing Type-Minimum |
|------------------------|--|-----------|-------------------------|----------------------|-------------------|----------------------|---------------------|---------------|------------------------|
|                        | ADT  | DHV       |                         |                      |                   |                      |                     |               |                        |
| Interstate             |  |           | 75                      | 3.0                  | 3                 | 4 Div. Min.          | 12                  | 300'          | Hard Surface           |
| Expressway             |  |           | 75                      | 3.0                  | 3                 | 4 Div.               | 12                  | 300'          | Hard Surface           |
| Major Arterial         | Over 800<br>400-800<br>250-400<br>180-250<br>Under 180 | Over 750  | 70                      | 3.5                  | 4                 | 4 Div.               | 12                  | 150'          | Hard Surface           |
|                        |  | 350-750   | 70                      | 3.5                  | 4                 | 2                    | 12                  |               | Hard Surface           |
|                        |  | 180-350   | 70                      | 3.5                  | 4                 | 2                    | 12                  |               | Hard Surface           |
|                        |  | Under 800 | 70                      | 3.5                  | 4                 | 2                    | 12                  |               | Hard Surface           |
|                        |  |           | 65                      | 4.5                  | 5                 | 2                    | 12                  |               | Hard Surface           |
|                        |  |           | 65                      | 4.5                  | 6                 | 2                    | 12                  |               | Hard Surface           |
|                        |  |           | 50                      | 7.5                  | 7                 | 2                    | 11                  |               | Hard Surface           |
|                        |  |           | 40                      | 7.5                  | 7                 | 2                    | 11                  |               | Hard Surface           |
|                        | Current ADT  |           |                         |                      |                   |                      |                     |               |                        |
| Other Arterial         | 401-750  |           | 50                      | 7.5                  | 7                 | 2                    | 12                  | 100'          | Agg.                   |
|                        | 251-400  |           | 50                      | 7.5                  | 7                 | 2                    | 11                  |               | Agg.                   |
|                        | 51-250   |           | 50                      | 7.5                  | 7                 | 2                    | 10                  |               | Agg.                   |
|                        | 0-50   |           | 40                      | 8.0                  | 8                 | 2                    | 10                  |               | Agg.                   |
| Collector              | 251-400  |           | 50                      | 7.5                  | 7                 | 2                    | 11                  | 70'           | Agg.                   |
|                        | 51-250   |           | 50                      | 7.5                  | 7                 | 2                    | 10                  |               | Agg.                   |
|                        | 0-50   |           | 40                      | 10.0                 | 9                 | 2                    | 10                  |               | Agg.                   |
| Local                  | 251-400  |           | 50                      | 7.5                  | 7                 | 2                    | 11                  | 66'           | Agg.                   |
|                        | 51-250   |           | 50                      | 7.5                  | 7                 | 2                    | 10                  |               | Agg.                   |
|                        | 0-50   |           | 30                      | 23.0                 | 10                | 2                    | 10                  |               | Agg.                   |

NOTE: Design Year shall be year of initial construction plus 20 years.

SOURCE: 2008 Minimum Design Standards of the State of Nebraska Board of Public Roads.