

CITY OF VALLEY

SUBDIVISION REGULATIONS

ADOPTED BY THE CITY OF VALLEY, NEBRASKA

MAY 10, 2005

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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1.01 Name and Citation of Titles.

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

Section 1.02 Purpose

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

Section 1.03 Definitions

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

- 1.3.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.
- 1.3.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.
- 1.3.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.
- 1.3.04 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.
- 1.3.05 **BOUNDARY** **ADJUSTMENT**: shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
- 1.3.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back where the lot width shall meet the minimum lot width required in the district.
- 1.3.07 **CHIEF BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the city to enforce the prescribed and adopted building codes for the city. Said individual may be assigned to enforce Municipal Code, the Comprehensive Development Plan, Zoning Ordinance, and Subdivision Ordinance for the City of Valley.
- 1.3.08 **CITY** shall mean the City of Valley, Nebraska. Also, City Council or governing body.
- 1.3.09 **CITY ADMINISTRATOR** shall mean the chief administrative official as appointed by the Mayor and City Council.
- 1.3.10 **CITY COUNCIL** shall mean the governing body for the City of Valley, Nebraska.
- 1.3.11 **CITY ENGINEER** shall mean the City Engineer of the City of Valley retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City.

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- 1.3.12 **CLERK** shall mean the City Clerk of the City of Valley, Nebraska.
- 1.3.13 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Valley, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of Valley.
- 1.3.14 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.
- 1.3.15 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.
- 1.3.16 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.3.17 **DEVELOPER**. See "Subdivider".
- 1.3.18 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.
- 1.3.19 **ENGINEER, CITY** see City Engineer
- 1.3.20 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.
- 1.3.21 **FLOODWAY** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 1.3.22 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the Arterial Street or highway for the purpose of increased traffic safety.
- 1.3.23 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.
- 1.3.24 **LOT** shall mean a parcel, tract or area of land created in conformance with this Ordinance that may be separately owned, used, developed or built upon.
- 1.3.25 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.
- 1.3.26 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.
- 1.3.27 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

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- 1.3.28 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 1.3.29 **LOT, FLAG** shall mean lots, being those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
- 1.3.30 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.3.31 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.3.32 **LOT LINE** shall mean the boundary line of a lot.
- 1.3.33 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.
- 1.3.34 **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.
- 1.3.35 **LOT, PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Douglas County.
- 1.3.36 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Douglas County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this Ordinance.
- 1.3.37 **LOT SPLIT** shall mean a subdivision involving the division of one or more lots with the end result not to be greater than two lots. (Administrative Plat is needed to perform this)
- 1.3.38 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.
- 1.3.39 **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.
- 1.3.40 **MASTER PLAN** See Comprehensive Development Plan.
- 1.3.41 **MONUMENT** shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 1.3.42 **OUTLOT** A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure.
- 1.3.43 **PARCEL** shall mean any piece of land undivided or subdivided, including a tract or lot.
- 1.3.44 **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

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- 1.3.45 **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan. PUD is not allowed in Cities of the Second Class.
- 1.3.46 **PLANNING COMMISSION** shall mean the Planning Commission of Valley, Nebraska.
- 1.3.47 **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 1.3.48 **PLAT, ADMINISTRATIVE** Shall provide for lots splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than two (2) tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting.
- 1.3.49 **PLAT, FINAL** shall mean the final plat of any parcel, subdivision or dedication of land prepared for filing or recording in conformance with this Ordinance. Substantial conformance to an approved preliminary plat, prepared in accordance with Ordinance.
- 1.3.50 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.
- 1.3.51 **PLAT, REVISED PRELIMINARY** A revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.
- 1.3.52 **PROPERTY LINE ADJUSTMENT** is the relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment cannot vacate a plat nor does it add lot lines. A property line adjustment cannot alter the location of utility services and hook ups (**See Section 3.09 for further details**).
- 1.3.53 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.3.54 **REPLAT** is the act of platting the lots, parcels and easements in a recorded subdivision to achieve a reconfiguration of existing subdivision or to increase or decrease the number of lots in the subdivision.
- 1.3.55 **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments.
- 1.3.56 **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.
- 1.3.57 **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.
- 1.3.58 **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

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- 1.3.59 **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 1.3.60 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest parcel created by the division is 10 acres in size or less.
- 1.3.61 **SUBDIVISION AGREEMENT** An agreement between the City of Valley and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements, for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative cost be borne by the developer and by the public entity.
- 1.3.62 **ZONING** **ADMINISTRATOR shall** mean the individual appointed and/or employed by the city to enforce the Comprehensive Development Plan, Zoning Ordinance, and Subdivision Ordinance for the City of Valley.
- 1.3.63 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.3.64 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of Valley as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions

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

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

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

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

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

Section 2.02 General Provisions; Jurisdiction.

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

Section 2.03 General Provisions; Powers.

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

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

Section 2.04 Applicability.

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

Section 2.05 General Provisions; Interpretation.

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

Section 2.06 General Provisions; Conflict.

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

Section 2.07 General Provisions; Permits.

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

Section 2.08 General Provisions; Amendments.

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

Section 2.09 General Provisions; Modifications.

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

Section 2.10 Fees

All fees for any and all submittals within the Subdivision Regulations, in addition to any noted herein, shall be established by the City Council through a separate Resolution or Ordinance.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data.

3.1.01 Pre-application Plans and Data

Not less than 45 days prior to a planning commission hearing the subdivider shall meet with the City and its representatives to discuss the proposed development in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

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

3.01.02 Pre-application Review Process

The pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data by the planning office and city engineer, the city will inform the subdivider in writing whether:

1. The proposal meets the requirements of the regulations;
2. There are any inconsistencies with the objectives of the master plan;
3. The proposal can be submitted as a minor plat; and,
4. It is appropriate to request any waivers of the submittal documents, design standards or public improvements.

Section 3.02 Procedure for Approval of Preliminary Plat.

3.2.01 Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Valley or within the current Extra Territorial Jurisdiction of the City of Valley as it may from time to time exist or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat of said subdivision with the City of Valley. The Preliminary Plat shall be prepared in accordance with Section 3.03 "preliminary Plat Specifications", and shall be submitted to city staff prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any final plat of said subdivision is made in a form suitable for recording. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as approved until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan. The preliminary Plat along with supporting data must be submitted no less than 30 days prior to the scheduled meeting of the Planning Commission.

The subdivider or subdividers representative shall be required to be in attendance at any and all City Planning Commission and City Council Meetings when the Preliminary Plat (displayed in duplicate) is discussed.

3.2.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this Ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.

~~3.2.03~~ A total of 25 full sized copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of this Ordinance shall be submitted to the City of Valley in accordance to the reviewschedule. City staff shall distribute one copy of the Preliminary Plat to each below unless otherwise noted in parenthesis as follows:

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|--|-------------------------------|
| 1. Planning Commission (9) | 7. County Health Department |
| 2. City Council and Mayor (5) | 8. Adjacent city(ies) |
| 3. City Attorney | 9. Papio-Missouri River NRD |
| 4. City Engineer | 10. OPPD |
| 5. Valley Suburban Fire Protection District #5 | 11. NDOR |
| 6. County Engineer | 12. FEMA |
| | 13. DC West Community Schools |

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- 3.2.04 The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a

newspaper of general circulation within the City of Valley, and will:

1. Review the preliminary plat and other material submitted for conformity thereof to this Ordinance,
2. Review any recommendations of the above agencies and other agencies, and
3. Recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him/her.

The Planning Commission shall make a recommendation on the plat as submitted or modified, and if the recommendation is for approval, the Planning Commission shall express its recommendation as conditional and state the conditions of such recommendation, if any. If the recommendation is for disapproval, the planning commission shall express its recommendation and its reasons thereof in writing.

- 3.2.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
- 3.2.06 If the Planning Commission recommends disapproval or approval, then the City Clerk will order Notice of Public Hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the Public Hearing in a paper of general circulation within the City of Valley. The City Council may (a) Concur with the Planning Commission's Recommendation; (b) Reverse the Planning Commission's recommendation; or (c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation. The City Council shall then approve or disapprove of the Preliminary Plat by means of a Resolution.
- 3.2.07 Once all revisions listed in review letters by the City Engineer, and / or the City Zoning Administrator, or revisions directed by the City Planning Commission, and / or the City Council as conditional for approval of the Preliminary Plat, are completed and are accepted by the City Engineer, the City Engineer shall submit a letter to the City stating as such.
- 3.2.08 Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval by City Council, if no Final Plat has been filed or a Final Plat of previously proposed phases has not been filed or unless extension of approval has been granted by City Council, such extension shall not exceed one year.

Section 3.03 Preliminary Plat Specifications.

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

- 3.3.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.3.02 Both existing and proposed grades shall be shown.
- 3.3.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 3.3.04 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion. The developer shall verify the name with Douglas County.
- 3.3.05 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible (all of which are licensed to practice in Nebraska) for the subdivision layout.
- 3.3.06 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development. All work shall be certified by a Registered Land Surveyor in the State of Nebraska.
- 3.3.07 Width and location of platted streets and alleys within 200 feet of the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required).

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- 3.3.08 Location and name(s) of adjoining subdivision(s) or undeveloped land and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be submitted in list form and as mailing labels.
 - 3.3.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.
 - 3.3.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, Rights of Way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.
 - 3.3.11 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.
 - 3.3.12 Both existing and proposed grades shall be shown.
 - 3.3.13 All established floodway, floodway-fringe, and flood plain overlay lines.
 - 3.3.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
 - 3.3.15 Three copies of a draft erosion control plan. Grading activities shall not proceed until said plan has been approved by the State of Nebraska and the Papio-Missouri River Natural Resources District and a copy of said approvals have been submitted to the City.
 - 3.3.16 Signature block indicating approval of the Planning Commission per Section 10.03
 - 3.3.17 Signature block indicating approval of the City Engineer per Section 10.07
 - 3.3.18 Requests for waivers of design standards.
 - 3.3.19 Traffic impact analysis study may be required by the City Engineer.
 - 3.3.20 Four copies of the following to the City for review at the time of pre-plat submittal :
 - 1. A preliminary sanitary sewer plan.
 - 2. A preliminary drainage study, within the subdivision.
 - 3. A preliminary street profile plan with a statement of proposed street improvements.

Section 3.04 Procedure for Approval of Final Plat.

- 3.4.01 The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposes to record and develop at the time.
- 3.4.02 The Final Plat shall be submitted to the city for Planning Commission and City Council review. Said review shall follow all required notice procedures for Public Hearings and be submitted no less than 30 (thirty) days prior to a normal meeting of the planning commission.
- 3.4.03 Once all revisions listed in the review letter by the City Engineer, and / or by the City Zoning Administrator, or revisions directed by the City Planning Commission, and / or the City Council as conditional for approval of the Final Plat, are completed and accepted by the City Engineer, the City Engineer shall submit a letter to the City stating as such.
- 3.4.04 Prior to approval by the City Council, at least three signed reproducible copies (Mylar) of the final plat (2) 18" x 24", and one full size mylar with two additional signed copies. Copies of the original shall be prepared as specified in this Ordinance.
- 3.4.05 All outstanding plan review and administrative fees per Section 9-302 of the City of Valley Revised Municipal Code shall be paid in full prior to the City's signing of the Final Plat.
- 3.4.06 Fifty per cent (50%) of the required water treatment capital facilities charges per Section 6-209 of the City of Valley Revised Municipal Code, and fifty per cent (50%) of the required sewage processing capital facilities charges per Section 6-309 of the City of Valley Revised Municipal Code, shall be paid to the City by the Developer prior to the City's signing of the Final Plat.
- 3.4.07 Upon approval of the Final Plat, a certification of approval by the City shall be endorsed thereon by the Mayor and the Planning Commission Chair, and the original shall be filed with the Douglas County Register of Deeds, the reproducible copy with the City Clerk, and the two copies of the original with the City.
- 3.4.08 Final Approval by the City Council shall be by Resolution after receiving the recommendation of the Planning Commission.

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- 3.4.09 The final plat will be accepted and filed with the Douglas County Register of Deeds within one year of the City Council's approval. Evidence of such shall be submitted to the city by the developer. NOTE: No zoning or building permits shall be authorized until evidence has been submitted regarding the acceptance and filing of the final plat.
 - 3.4.10 Following recording of the Final Plat with the Douglas County Register of Deeds, and prior to beginning construction, the Developer shall furnish the City a list of lot numbers with corresponding street addresses, as prepared by the G.I.S/Mapping and Drafting Section of the City of Omaha Planning Department.

Section 3.05 Final Plat and Required Specifications.

After approval of the preliminary plat by the City Council, the subdivider shall prepare and submit to the Planning Commission a final plat. The legal description shall be certified by a registered land surveyor in the State of Nebraska. The submittal shall be in conformance with the approved preliminary plat drawn to a scale of one inch to 100 feet with a sheet size not to exceed 42"x30"-accompanied by the following information:

- 3.05.01. Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- 3.05.02. Date, north arrow and graphic scale.
- 3.05.03. Lot designation, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown.
- 3.05.04. An accurate boundary survey of the property, by a registered land surveyor in the State of Nebraska, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards for Surveys", as established by the Professional Surveyors Association of Nebraska. All bearings shall be based upon the Douglas County coordinate system.
- 3.05.05. Fractional lines and corners of the governmental township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
- 3.05.06. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
- 3.05.07. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- 3.05.08. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
- 3.05.09. Names and widths of the streets, and block and lot numbers (numbered consecutively).
- 3.05.10. Location of lots, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
- 3.05.11. All distances shall be shown in feet to the nearest one-hundredth of a foot.
- 3.05.12. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01.
- 3.05.13. A block for the certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.11.
- 3.05.14. A block for the approval of the Planning Commission as per Section 10.04.
- 3.05.15. A block for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk as per Section 10.06.
- 3.05.16. A block for the approval of the City Engineer per Section 10.08
- 3.05.17. A legal description including total acreage for the subdivision and individual lot areas.
- 3.05.18. A block for Certificate of County Register of Deeds as per Section 10.09.
- 3.05.19. A block of review from the Douglas County Surveyor as per Section 10.10.
- 3.05.20. A block for the approval of the Lending Institution as per Section 10.14.
- 3.05.21. A block for Surveyors Certification as per Section 10.02.
- 3.05.22. Three copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 3.05.23. Prior to approval of the City Council, at least three signed reproducible copies (Mylar) of the final plat two copies may be 18" x 24" with one full size mylar and two additional signed copy. Copies of the original

shall be prepared as specified in this Ordinance. In addition, two electronic copies on a compact disc or zip disc (AutoCAD 14 release and newer or compatible to the city engineer and Douglas County's needs furnished in DXF extension).

- 3.05.24. Plat Boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 and the use of United States Feet and decimals of a foot shall be required in Valley (Douglas County) pursuant to Neb. Rev. Stat. §86-1603. State Plan Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat. All final plats shall be tied to a minimum of two established, known section corners. **NOTE:** Developer to check with Douglas County Register of Deeds for current size and number of Mylars they require and to modify this section accordingly. City requires one full size Mylar and one full size original copy or two Mylars. The remainder of copies are for the owner, developer, developer's engineer, Douglas County Engineers and Surveyors office and the Douglas County Register of Deeds office.
- 3.05.25. Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.
- 3.05.26. Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private.
- 3.05.27. Development of an acceptable subdivision agreement prior to City Council Action.
- 3.05.28. Waivers being requested.
- 3.05.29. Final Construction Plans (80% Minimum with Final Plat Submittal; 100% due prior to beginning any construction of infrastructure)
- 3.05.30. Approved drainage study
- 3.05.31. Final Plat shall then be submitted to the City Council for approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least 10 days prior to the Hearing in a paper of general circulation in the City of Valley.

Section 3.06 Plats Outside Corporate Limits.

Procedure for approval of Final Plats and Administrative Plats of land within the current Extra Territorial Jurisdiction of the corporate limits shall be the same as set forth in this Article, except that one copy of the Final Plat shall be referred to Douglas County Planning Commission. All plats outside corporate limits must be reviewed by the Douglas County Engineer/ Surveyor with a request for their recommendations to be submitted to the Planning Commission. If no recommendations are received from Douglas County within four (4) weeks then it be deemed approved by the Douglas County Planning Commission. Note: All plats outside corporate limits must be reviewed and signed by the Douglas County Engineer or Surveyor.

Section 3.07 Vacation of Plat of Record.

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

Section 3.08 Replats

Whenever a re-subdivision of a parcel consists of 14 or fewer lots, the City may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the City Engineer, separate submission will not serve the public interest and will not conflict with the intent of this Ordinance. The requirements of Section 3.09.03, items 1 through 8 shall apply to Replats as well. Concurrent Plats shall be:

- 3.08.01 Replats shall be discussed with the City at a scheduled pre-application Conference, as set out in Section 3.01.

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- 3.08.02 Be submitted to the City for their review;
 - 3.08.03 Be accompanied by the applications fees and completed application forms as required;
 - 3.08.04 Follow the procedure set forth for herein and contain the required information Preliminary and Final Plats;
 - 3.08.05 Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
 - 3.08.06 Changes required by the Planning Commission shall be made prior to submission to City Council. Replats shall be submitted to the City at least 30 days prior to the next regular meeting of the City Council.
 - 3.08.07 A final plat, in conformance with Section 3.05, shall be submitted to the City.
 - 3.08.08 All requirements of Section 3.05 shall be met and a revised preliminary plat and final plat shall be required if any of the guidelines of section 3.09.03, items 1 through 8 are found to be present.

Section 3.09 Administrative Plats/Lot Splits/Lot line Adjustments

- 3. .01 The intent of this section is to provide for lots splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than four lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. City staff shall review the administrative plat application and make a final determination. **Note: All Lot Splits must be accompanied by an Administrative Plat.**
- 3.9.02 Requests for an administrative plat approval shall be made by the owner or a designated representative of the land to the city The administrative plat shall include the following:
 - 1. a survey of the lot(s),
 - 2. location of all existing structures(s),
 - 3. location and dimensions of the proposed administrative plat,
 - 4. A block for Acknowledgment by Notary as per Section 10.01,
 - 5. A block for Surveyors Certification as per Section 10.02,
 - 6. A block for Certificate of County Register of Deeds as per Section 10.09,
 - 7. A block of review from the Douglas County Surveyor as per Section 10.10 (If Outside City Limits),
 - 8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.11,
 - 9. A block for the approval of the City as per Section 10.12,
 - 10. Size and number of copies shall conform to 3.05.25.
 - 11. A block for the approval of the City Engineer per Section 10.07
 - 12. All lot splits must include an Administrative Plat/ Re-Plat
- 3.09.03. Disapproval of administrative plat shall be based on the following guidelines:
 - 1 A new street or alley is needed or proposed,
 - 2 Vacations of streets, alleys, setback lines, access control or easements are required or proposed,
 - 3 Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc,
 - 4 There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument,
 - 5 All easement requirements have not been satisfied,
 - 6 Such action taken during an administrative plat will result in a tract without direct access to a street,
 - 7 A substandard-sized lot or parcel will be created,
 - 8 The lot has been previously split.
- 3.09.04 No Administrative Plats shall be approved unless all required public improvements have been installed (public infrastructure improvements shall be made on the lot(s) prior to any physical improvements on the lot), no new dedication of public right-of-way or easements is involved unless by separate instrument, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.

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- 3.09.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
- 3.09.06 The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.
- 3.09.07 After approval from the City, all mylars must be certified by all applicable parties and two copies filed with the Douglas County Register of Deeds prior to the issuance of a permit.

Section 3.10 Minor Subdivisions

- 3.10 FOR MINOR SUBDIVISIONS REFER TO ORDINANCE #539.

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Minimum Design Standards.

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

Section 4.02 Design Standards; Streets.

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

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the city with recommendation from the City Engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the City Engineer deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius at outside of the pavement of at least 40 feet or other approved design.

Section 4.03 Design Standards; Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.22 of this Ordinance. Access to lots located on arterials and other arterials shall be approved by the City.

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

Section 4.04 Design Standards; Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in this Ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. Dedication of one-half of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

Section 4.05 Design Standards; Intersections.

Streets shall intersect as nearly as possible at an angle of 90 degrees. No intersection shall be at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75 degrees, the City may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street shall have a service drive, curb cut, or other means of access to an arterial street.

Section 4.06 Minimum Design Standards; Curves in Streets; Horizontal.

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

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in section 4.22 of this ordinance.

Section 4.07 Design Standards; Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than five tenths (0.5' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in section 4.22 of this Ordinance.

Section 4.08 Design Standards; Frontage Roads/Marginal Access Streets.

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

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

Section 4.09 Design Standards; Access/Egress.

There shall be a minimum of two vehicular access points per platted subdivision of 5 lots or more. The City Engineer shall determine the most suitable location for said access points during the review period.

Section 4.10 Design Standards; Street Jogs.

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

Section 4.11 Design Standards; Cul-de-sac Streets and Minor Terminal Temporary Dead End Streets.

4.11.01 Design Standards; Cul-de-sac Streets. A street leading to a cul-de-sac should not be longer than 500 feet, provided that the City may approve a street leading to a cul-de-sac which is longer than 500 feet, and not require it to be a boulevard, if it finds that adequate provisions have been made for public safety. Streets leading to a cul-de-sac shall provide for a turnaround conforming to the requirements of Section 4.23 of these Subdivision Regulations. The City may approve alternative designs for a temporary turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the center of the intersecting street.

If a street leading to a cul-de-sac exceed 500 feet in length, the City may require that the street shall be a boulevard and shall meet the requirements of 4.12 below. The turn-around bulb at the end of a boulevard leading to a cul-de-sac shall have a 28 foot lane width completely around the circle; with a 60 foot radius center landscaped green space, a 13 foot setback from back of curb to sidewalk, a 4 foot sidewalk, and 1 foot space to the lot line. The total radius of this boulevard cul-de-sac bulb would be 106 feet, with a 216 foot diameter.

4.11.02 Design Standards; Minor Terminal Temporary Dead End Streets. Minor, terminal, temporary, dead-end streets shall be streets platted within a subdivision to allow for future connections to adjacent tracts that are not subdivided. These streets shall be temporarily terminal, and may dead-end without a cul-de-sac bulb at their end, provided that no platted lots exist along the street length which require building frontage on the dead-end street. If the terminal, dead-end street provides access to lots with building frontage along its length, a temporary cul-de-sac bulb shall be constructed at its end with a minimum 100 foot diameter pavement area.

Section 4.12 Design Standards; Boulevards.

Boulevards shall have 20 foot lane widths on each side of the boulevard median, with a 20 foot median width, 13 foot landscaped space between the back of curb and sidewalk, a 4 foot sidewalk, and 1 foot space to the lot line. The total street width would be 96 feet. Cul-de-sacs located at the end of a boulevard are pursuant to Section 4.11.

Section 4.13 Design Standards; Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the applicant or the applicant's representative shall submit proposed street names to Douglas County via the City of Omaha Planning Department, for approval.

Section 4.14 Design Standards; Private Streets and Reserve Strips.

Private streets shall not be permitted in any subdivision except within a Gated Community, as defined by and regulated in Article Eleven herein. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the City as authorized in this Ordinance.

Section 4.15 Design Standards; Blocks.

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

Section 4.16 Design Standards; Lots.

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

Section 4.17 Design Standards; Through (Double Frontage) Lots.

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

Section 4.18 Design Standards; Easements.

Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least 15 feet wide or wider when required by the City Engineer.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the City a permanent storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations as determined by the City. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.

Where a subdivision is traversed by a river or one of its tributaries, there shall be provided to the City and the Papio-Missouri River Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

Perpetual easements shall be granted to the Omaha Public Power District and any telecommunications entity or other corporation transmitting communication signals authorized to use the city streets, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five-foot wide strip of land abutting all front and side boundary lot lines, and eight-foot wide strip of land abutting the rear boundary lines of all interior lots, and a 16-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein

defined as those lots forming the outer perimeter of the above-described addition. Said 16-foot wide easement will be reduced to an eight-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to all other utility providers, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas, sewer, and water on, through under and across a five-foot-wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Section 4.19 Design Standards: Storm Sewer System.

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

Section 4.20 Design Standards: Sanitary Sewer System.

Design standards for sanitary sewers shall conform to Nebraska Department of Environmental Quality's Standards. **NOTE:** the minimum size of a public sewer main is eight (8) inches and the minimum service to any residence will be six (6) inches.

Section 4.21 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

Subdivision proposals and other proposed new development, including manufactured home parks, are required to assure that

- a. all such proposals are consistent with the need to minimize flood damage,
- b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate them receiving flood damage,
- c. adequate drainage is provided so as to reduce exposure to flood hazards, and
- d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, shall include within such proposals the base flood elevation(s).

Section 4.22 Design Standards: Conformance with Other Regulations.

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

Section 4.23 Minimum Street Standards (Section 6 (a(6)))

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (Curve Data) (ft.)	Minimum Sight Distance (VC) ³ (Ft)	Minimum Pavement Thickness ⁴ (Inches)
Arterial Street ⁶	100	32 ³	4	7	(5)	(5)	9
Collector Street	60	28	3	7	300	250	8
Local Street	60	28	2	10	200	175	7
Boulevard (7)	96	20 per side	2 per side	10	300	175	7
Cul-De-Sac ² and Loop Street	60	50 (radius)	2	10	100	175	7
Marginal Access (Frontage Road) (No Parking)	60	28	2	10	300	250	7
Boulevard Cul-De-Sac Bulb	106	28	2	10	106	175	7
Minor Streets (No Parking)	60	28	2	10	200	175	7
Alleys	16	12	1	10			

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be 60 feet and the minimum pavement radius for the cul-de-sac turnaround shall be 50 feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the City Engineer.
3. (VC) - Vertical Curve of road
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO
5. Per NDOR Standards or as directed by the City Engineer.
6. All section line roads will be designated as arterial streets.
7. Cul-de-sacs located at the end of a boulevard is pursuant to Section 4.11

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; General.

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

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

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

Section 5.02 Required Improvements; Monuments and Markers.

Monuments and markers placement shall be as follows:

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

Section 5.03 Required Improvements; Monument Construction.

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

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

5.03.03. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths inch (5/8) and minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

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

Section 5.04 Required Improvements; Street Grading and Construction.

5.04.01. All streets shall be graded to the full width of right of way and to within six inches of the street grade established in the approved final plat construction plans and specifications. Final construction plans shall be in conformance with specifications set forth by the City Engineer.

5.04.02. Higher design standards may be required by the City to provide for unusual soil conditions or extraordinary traffic volumes or other abnormal characteristics.

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

5.04.04. The applicant shall comply with all NPDES requirements as administered by the State of Nebraska and the Papio-Missouri River Natural Resource District.

Section 5.05 Required Improvements; Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and Hydrants.

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

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- erection of all street signs.
- 5.05.02. The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District (Subsequent providers) and City Engineer.
- 5.05.03. New subdivision lighting and electrical power may be overhead or underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.
- 5.05.04. Overhead secondary utility lines, where installed shall be located at the rear of the lots.
- 5.05.05. Fire hydrants shall be provided by the developer in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding 600 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 600 feet in length. In all cases, hydrants should be located more than 300 feet apart. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the City Engineer and Fire Chief.
- 5.05.06. Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the City Engineer to be consistent with future parking restrictions.
- 5.05.07. All fire hydrants to be Mueller Super Centurion, model A-423 unless approved otherwise by the City Engineer
- 5.05.08. An emergency warning siren will be installed by the developer in the area to be developed as required by the City in consultation with Douglas County Emergency Management Agency.

Section 5.06 Required Improvements; Landscape Screens.

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

Section 5.07 Required Improvements; Drainage.

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

5.07.01 The preliminary plat report shall include:

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

5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.

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4. A description of an adequate drainage system within the subdivision and its design capacities based on a 10 year storm and capacities at critical points for 100-year frequency storm events.

5.7.03 Drainage Requirements.

1. The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the City Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the City Engineer.
2. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff, a minimum of 18 inches for culverts and 15 inches for other storm sewer pipe, from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based upon the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
3. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development or subdivision will overload an existing downstream facility or flood existing development upstream, the Planning Commission withhold approval of the subdivision until provisions have been made for the improvement of said potential condition(s) in such sum as the Planning Commission and City Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
4. Lots shall be laid out in order to provide positive drainage away from all building and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage study required for submittal approval.

5.7.04 Drainage System Requirements. Drainage systems shall follow the requirements set forth in the Omaha Metropolitan Area Sewer Water Management Design Manual as well as the Omaha Metropolitan Area Sediment and Erosion Control Manual as amended from time to time or as modified herein.

Section 5.08 Required Improvements, Sanitary Sewers.

Where a sanitary sewer is accessible by gravity flow within 1,320 feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within 1,320 feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within 1,320 feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. All sanitary sewers shall be constructed in accordance with sanitary sewer standards approved by the City Council as well as section 4.19. **NOTE:** Should a septic system be the resulting temporary sanitation system, the developer shall have his PE or Certified Environmental Professional submit and obtain approval for the same from the NDEQ.

Section 5.09 Required Improvements: Water Mains .

The subdivision shall be provided with an adequate water supply system, which shall be connected to a water supply source approved by the City Engineer. The developer shall be required to connect to the City's water system when the closet point of the proposed subdivision is 1,320 feet or less from an established water main.

5.09.01 All water supply and hydrant valves shall be the manufacture's standard "clockwise closing"

Section 5.10 Sidewalks.

Sidewalks shall be provided as required by City Ordinances and shall be constructed of Portland Cement Concrete. Sidewalk thickness shall be a minimum of four inches and the width shall not be less than four feet. Sidewalks shall be placed one foot into the right-of-way, from the property line; generally parallel to the property line.

Section 5.11 Street Surfacing

The streets in the proposed subdivision shall be paved, including curbs and gutter. Street surfacing shall be concrete or any other suitable surface as recommended by the designated City Engineer and approved by the City Council.

Section 5.12 Curb and Gutter

- 5.12.01 Curb and gutter shall be provided as required by the City Engineer. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three dwelling units per acre.
- 5.12.02 In commercial developments or other similar intensive urban uses exist or are anticipated, curbs shall be required.
- 5.12.03 Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision.
- 5.12.04 All curb and gutters shall be constructed in conformance with the minimum standards of the City and as approved by the City Engineer.
- 5.12.05 All curb and gutters (curb ramps) shall be constructed in conformance with the most current minimum standards of the Americans with disability Act and Architectural Barriers Act Accessibility Guidelines.

Section 5.13 Alleys

- 5.13.01 Alleys may be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall be 16 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.
- 5.13.02 Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the City Council.
- 5.13.03 Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the City Council.

Section 5.14 Driveways

- 5.14.01 Driveways shall be constructed no less than ten feet (10') wide or greater than thirty feet (30') wide. Driveway widths greater than thirty feet (30') must reduce the approach by half of the total driveway width greater than thirty feet (30'). Commercial and Industrial driveways with a design width greater than thirty feet (30'), approval must be obtained from the City Engineer to assure compliance with acceptable engineering and traffic design principles and standards. A fee of \$20.00 shall accompany each application.
- 5.14.02 Curb cuts shall have a minimum radius of five feet (5') on each side of the drive where it adjoins the street curb. Curb cuts shall be located not less than three feet (3') from the side lot line.
- 5.14.03 On corner lots, it shall be unlawful for any curb to be removed or for any driveway to be constructed closer than ten feet (10') from the property lines of the adjoining streets.
- 5.14.04 Driveway approaches shall be at a depth of not less than six (6) inches from street or avenue to the sidewalk edge.
- 5.14.05 Driveways shall have a maximum grade of 10 percent.
- 5.14.06 Driveways shall have half by six inch expansion at the sidewalk edge.
- 5.14.07 Driveways constructed henceforth and connecting to a paved street or avenue shall be paved with asphaltic concrete or Portland concrete from the edge of the pavement to the property line, with allowances for public sidewalks.
- 5.14.08 Driveways and curb cuts shall be located not less than three feet from the side lot lines.

Section 5.15 Erosion Control

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

ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 6.01 Dedication.

As a condition of final plat approval, the subdivider shall dedicate to the public all streets and alleys and easements as may be required by the City of Valley.

Section 6.02 Reservation and Dedication of Public Land and Open Space.

Before preliminary or final plat approval is given, the City may require the subdivider to dedicate reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the City. Reservation of land for public acquisition and/or use shall be for a period not to exceed three years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said three year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site.

In certain situations, the contemplated use of land creates or contributes to the public need for land or facilities including but not limited to recreational and public safety facilities created by the nature of the development and use of land. In such situations, City may require dedication and/or other appropriate designation by the subdivider.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the City will determine the density and location of said park(s) and may require the immediate acquisition, reservation or accept the dedication of such area.

Section 6.03 Determination of Dedication or Fee Payment.

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

Section 6.04 Dedication requirements.

Before preliminary or final plat approval, the subdivider shall identify and convey any accepted dedication of land for parks, playgrounds, trails, or other public spaces as described in Section 6.03 to the City of Valley in the following manner:

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

Section 6.05 Fee Payment requirements.

1. If the subdivider is directed to provide the City with a fee payment in lieu of parkland dedication, it shall be done in as per the fee schedule established through separate Ordinance by the City Council.

Section 6.06 Developer Agreements.

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

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Improvements Financing, General.

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

- 7.01.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.
- 7.01.02. Unless otherwise agreed to by the City in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

Section 7.02 Subdivision Improvements Guarantees.

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

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

Section 7.03 Surety Performance Bond.

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

Section 7.04 Escrow Account.

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to 110 percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the City Engineer.

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

- 7.04.01. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the Subdividers as security in any other matter during that period.
- 7.04.02. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in completion of the improvements.

Section 7.05 Improvements: Improvement Districts.

- 7.6.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the developer may petition the City to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision buildout, or other sufficient reason as determined by City, the City may or may not grant the Subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to 20 percent or less of the cost of improvements as determined from the City Engineer's estimates prior to receipt of bids and award of contracts. The City

may finance up to 80 percent of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the Final Plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the final plat if the area of the tentative plat is more than ten acres.

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

Section 7.06 Time Limits.

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

Section 7.07 Installation of Improvements.

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

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

Section 7.08 Plan and Administration Review Reimbursement.

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

Subdivider shall pay to the City the amount specified in Section 9-302 of the Valley Municipal Code Book in connection with the review of the proposed plat and improvements.

Section 7.09 Failure to Complete Improvements.

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

7.09.01. Where improvements have been guaranteed under Section 7.03 of this Ordinance, the bond shall be forfeited to the City.

7.09.02. Where improvements have been guaranteed under Section 7.04 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

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

Section 7.10 Certification and Inspection.

Upon completion of the improvements, the developer / subdivider, through use of his Engineer of Record, or another registered Professional Engineer, shall file with the City a statement stipulating the following:

7.10.01. That all required improvements are complete.

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

7.10.03. That these improvements are in conformance with the plans and specifications previously accepted by the City.

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

7.10.05. That these improvements are free and clear of any encumbrances or liens.

If the Engineer of Record has certified that the improvements are complete and free from defects, the City shall accept any dedications of improvements. The City may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements. Prior to acceptance, the City may require a “walk-through” of the project(s) with the Developer and/or his designated representative(s).

The developer/subdivider, or other authorized person designated by him, shall regularly inspect the condition of the improvements for defects, throughout the warranty and/or maintenance period.

Section 7.11 Reduction of Guarantees.

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

Section 7.12 Release of Guarantee.

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

Section 7.13 Operation and Maintenance.

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

ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS

Section 8.01 Granting of Waivers (Exceptions) and Conditions.

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

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

Section 8.02 Clustered Mixed Use Developments.

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

Section 8.03 Amendments.

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

ARTICLE 9: ADMINISTRATION/ENFORCEMENT

Section 9.01 General.

The following apply towards administration of this Ordinance:

- 9.01.01 It shall be the duty of the city staff to enforce this Ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 No owner, or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of this Ordinance, and filed for record with Douglas County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this Ordinance shall not be permitted. All such subdivisions shall be subject to all the requirements contained in this Ordinance.
- 9.01.04 No permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this Ordinance.

Section 9.02 Amendments

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the City Council.

Section 9.03 Violation/Penalties.

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

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01: Acknowledge of Notary

ACKNOWLEDGE OF NOTARY

STATE OF NEBRASKA

COUNTY OF DOUGLAS

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

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

Notary Public (SEAL)

Section 10.02: Surveyor's Certification

SURVEYORS CERTIFICATION:

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

(Surveyor, RLS #) Date
(seal)

Section 10.03: Approval of Valley City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF VALLEY, NEBRASKA

This preliminary plat of _____ was approved by the Valley Planning Commission this ____ day _____ 20____

Secretary, Valley Planning Commission

Section 10.04: Approval of Valley City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF VALLEY, NEBRASKA

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

Secretary, Valley Planning Commission

Section 10.05: Acceptance by Valley City Council

ACCEPTANCE BY VALLEY CITY COUNCIL OF

This preliminary plat of _____ was approved by the City Council of the City of Valley, Nebraska on this ____ day _____ 20__, in accordance with the State Statutes of Nebraska.

(City of Valley SEAL)

Mayor

ATTEST _____

City Clerk

Section 10.06: Acceptance by Valley City Council

ACCEPTANCE BY VALLEY CITY COUNCIL OF

This final plat of _____ was accepted by the City Council of the City of Valley, Nebraska on this ____ day _____ 20__, in accordance with the State Statutes of Nebraska.

(City of Valley SEAL)

Mayor

ATTEST _____

City Clerk

Section 10.07: Acceptance by the Valley City Engineer

This preliminary plat of _____ was reviewed and accepted by the Valley City Engineer on this ____ day of _____, 20__

Valley City Engineer

Section 10.08: Acceptance by the Valley City Engineer

This final plat of _____ was reviewed and accepted by the Valley City Engineer on this ____ day of _____, 20__

Valley City Engineer

Section 10.08.01: Acceptance by the Valley City Engineer

This Administrative Plat (or Re-Plat) of _____ was reviewed and accepted by the Valley City Engineer on this ____ day of _____, 20__

Valley City Engineer

Section 10.09: Acceptance by Douglas County Register of Deeds (Include on all Final Plats, Re-Plats and Administrative Plats)

Recorded on this ____ day of _____, 20__.

Douglas County Register of Deeds

Section 10.10: Review of Douglas Engineer's Office (On all Final Plats and Administrative Plats outside of City limits)

REVIEW BY THE DOUGLAS COUNTY ENGINEER'S OFFICE

This plat of _____ was reviewed by the office of Douglas County Engineer on this ____ day of _____, 20__

Douglas County Surveyor (SEAL)

Section 10.11: County Treasurer's Certifications (Include on all Final Plats, Re-Plats and Administrative Plats)
COUNTY TREASURER'S CERTIFICATIONS

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

County Treasurer Date
(SEAL)

Section 10.12: Administrative Plat Approval

APPROVAL OF CITY OF VALLEY

This Administrative Plat was approved by the City of Valley This ____ Day of _____, 20__.

City Clerk

Mayor

(City of Valley SEAL)

Chief Building Official

Section 10.13: Owners Certification

OWNERS CERTIFICATION

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

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

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

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

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

Signature

Signature

Section 10.14: Lien Holder Consent

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

(Name of Lien Holder)

By: _____

(Print the Name of Individual)

Title: _____