

ORDINANCE NO. 1237

November 1970

An ordinance relating to subdivisions and platting of subdivisions: Establishing rules and regulations for platting of subdivisions: Establishing general planning standards and required improvements to be provided: Providing for improvement districts and surety bond: Providing for rule exceptions, appeals, filing fee, and penalty for violations.

Whereas the Governing Body of the City of Lexington, Nebraska deems it necessary for the purpose of providing for the harmonious development of the city and its environs; for the proper location and width of streets, for building lines, open spaces, safety and recreational facilities, and for the avoidance of congestion of population; including minimum width, depth and area of lots, the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility mains and piping or connections or other physical improvements are installed, all in accordance with a comprehensive plan:

~~Be it ordained by the Governing Body of the City of Lexington:~~

SECTION 1. DEFINITIONS

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, plots, sites or other division of less than five acres, including a resubdivision of land and vacation of streets, lots and alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision.

ALLEY: A minor way, dedicated for public use, which is used primarily for vehicular access to the sides or rear of lots.

BLOCK: A parcel of land entirely surrounded by streets or highways, or as otherwise determined by the City Engineer.

CUL-DE-SAC: A street having one end open to traffic and being terminated by vehicular turnaround.

EASEMENT: A permanent or temporary grant of right by a property owner, to the public, a corporation or other persons, of the use of a strip of land for specified purposes. Ownership of said strip of land shall normally remain with the property owner.

IMPROVEMENTS: Street pavement, curbs, drainage facilities, sidewalks, and utility lines.

LOT: A portion of a subdivision intended as a unit for transfer of ownership or for development.

COMPREHENSIVE PLAN: The comprehensive plan for the City of Lexington, duly adopted and including subsequent amendments.

~~**STREET, PUBLIC:** A right of way which affords principal means of vehicular access to property abutting thereon, which right of way has been dedicated to the public for such use.~~

STREET, PRIVATE: A right of way which affords principal means of vehicular access to property abutting thereon, which right of way is owned, controlled and maintained by persons other than the public.

HIGHWAY: A thoroughfare controlled and maintained by the State of Nebraska.

RULE EXCEPTION: The allowing of a subdivision to deviate from one or more specific standards and requirements of these rules and regulations.

SUBDIVIDER: A person, firm or corporation undertaking the subdividing of land.

PLANNING JURISDICTION: The corporate area of Lexington plus that area lying within two miles therefrom.

PLAT, PRELIMINARY: A drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

PLAT, FINAL: A drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

SECTION 2. PROCEDURE

All final plats of subdivisions within the planning jurisdiction of Lexington and as defined herein shall be submitted to the Planning Commission for its consideration and its recommendation shall then be submitted to the Governing Body for its official consideration and action. No plat or other subdivision of property and no dedication or vacation of a public street or establishment of a private street shall be filed with the Register of Deeds as provided by law until approval shall have been endorsed thereon by the Planning Commission and Governing Body of the City of Lexington.

Preliminary Plat: A preliminary plat of the proposed subdivision shall be prepared by the subdivider or his agent and submitted to the Planning Commission prior to preparation of a final plat for record. The Commission shall satisfy itself that the

proposed street pattern and land use will conform to the Comprehensive Plan, and Zoning Ordinance and other local standards.

Five prints of the preliminary plat shall be submitted to the Planning Commission at least ten days before the meeting date at which approval is asked. The preliminary plat shall be drawn to a scale of one inch to one hundred feet (1" = 100') and shall contain the following:

1. The proposed name of the subdivision and the names of any adjacent subdivisions.
2. The boundary lines of the tract with approximate dimensions.
3. The general location, width and alignment of existing and proposed streets, and any highways and alleys.
4. The general pattern and sizes of proposed lots and tracts.
5. The proposed use of land, whether for single family, multi-family, commercial, industrial, parks, schools, etc.
6. All platted or existing streets and property lines on land adjacent for a distance of not less than four hundred (400) feet.
7. The names of the subdivider, the firm responsible for preparation of the plat, north point, scale, date of preparation and any revisions, space for endorsement by the City Engineer and Planning Commission.

A print of the preliminary plat shall be submitted to the Lexington Board of Education for its comment and recommendation. Such plat proposal shall be submitted in writing and the Board of Education shall, within thirty days, recommend in writing to the Governing Body that such plat be approved or disapproved, in whole or in part,

or with such changes as may be desirable, which recommendation shall be advisory. Failure of the Board of Education to make a written recommendation within thirty days shall be construed as approval of the proposed plat as submitted.

The Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial the subdivider may appeal the Commission's decision to the Governing Body who may affirm or reverse the same. Upon approval any objector may appeal the Commission's decision to the Governing Body who may affirm or reverse the same.

Approval of the preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No grading for streets or construction of improvements shall take place in the subdivision prior to approval and endorsement of the final plat and the submittal to and approval of street construction plans by the City Engineer.

Final Plat: After the preliminary plat has been approved by the Planning Commission, or by the Governing Body on appeal, a final plat for record shall be prepared and submitted to the Planning Commission and, upon approval, to the Governing Body for final approval. The final plat may contain all or a portion of the area contained in the preliminary plat. The final plat must conform to the street patterns, lot size and pattern and other conditions of the preliminary plat as approved.

Five prints of the final plat shall be submitted to the City Manager at least ten days prior to the date of the meeting at which approval is asked. The plat shall be drawn to a scale of one inch to one hundred feet (1" = 100') and shall contain the following:

1. The name of the subdivision and any adjacent subdivisions, the names of streets which shall conform to the existing pattern, and a system of lot and block numbers in an orderly sequence shall be shown on the plat.
2. A boundary survey of third order surveying accuracy (maximum closure error 1 in 5000), with bearings and distances referenced to section or fractional section corners or other base lines shown on the plat and readily reproducible on the ground.
3. Calculation sheets containing the following data: The length and radii of all curved street and lot lines and the bearings and length of all straight street and lot lines and the area in square feet of each lot. Bearings and distances referenced to section or fractional section lines or other base line shown on the plat and readily reproducible on the ground.
4. The dimensions in feet and decimals of feet of all lots, the location of building setback lines along front and side streets and the location and dimension of all necessary easements shall be shown on the plat.
5. Certification of dedication of all streets, highways and other rights of way or parcels for public park or other public use, signed by the owners and all other parties who have a mortgage or lien interest in the property.
6. Certification by a registered Civil Engineer or Surveyor to the effect that the plat represents a survey made by him.

7. North point, scale and date.
8. Space for endorsement of the plat by the Planning Commission and Governing Body.

SECTION 3. GENERAL PLANNING STANDARDS

Care shall be exercised in the design and laying out of streets, lots and other elements that good planning principles are followed, efficient use is made of land and that natural assets such as trees and topography be retained wherever practical.

Street Arrangement: Provision must be made for the extension of any existing dead-end streets. Off-center street intersections with an offset of less than one hundred fifty (150) feet between centerlines will not be approved. Streets with reverse curves must have a tangent between curves.

Proposed streets must conform to existing topography as nearly as possible, in order that drainage problems may be reduced. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever practical. Where such surface drainage on residential lots is necessary, easements shall be provided and the City may require installation of pipe, masonry or rip-rap flumes, or such other protective devices in order that adjacent or surrounding property or the welfare of the public shall not be endangered and maintenance will be kept at a minimum.

Relation to Adjoining Streets and Land: The system of streets designated for the subdivision must connect with any streets already platted to the boundary from abutting subdivisions. At reasonable intervals streets must be continued to the boundaries of the tract subdivided, so that future abutting subdivisions may connect therewith.

Large Allotments: In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged to permit the opening of future streets and logical resubdivision.

Dead-End Streets: Dead-end streets will not be approved unless such dead-end streets are provided to connect with future streets in adjacent land, but cul-de-sacs may be permitted where a vehicular connection is not essential. Such cul-de-sacs shall provide proper access to all lots, shall not be more than 800 feet in length, and a turn-around shall be provided at the closed end, with an outside street line radius of at least fifty feet.

Block lengths: In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, the blocks shall not exceed 1,320 feet in length.

Pedestrian Walkways: In blocks where substantial pedestrian traffic may occur, such as adjacent to schools, the Commission may require pedestrian walkways through blocks. Such walkways shall be ten to fifteen feet in width, shall be adequately fenced and contain a concrete walk the entire length. Such walkways shall be dedicated to the public in the same manner as streets.

Thoroughfares: For the purpose of facilitating the movement of traffic, certain streets are designated in the Comprehensive Plan as thoroughfares. A copy of this Plan shall be on file in the office of the City Manager and reference shall be made to this Plan before any preliminary subdivision plat is approved.

Lot Sizes: Lots shall be of the minimum width set out in the Zoning Ordinance. The minimum depth shall be one hundred ten (110) Feet.

Standards for thoroughfares shall be as follows:

Primary thoroughfares:

Minimum right-of-way width 80 ft.
Minimum radii of horizontal curves 500 ft.

Secondary thoroughfares and Collector Streets:

Minimum right-of-way width 66 ft.
Minimum radii of horizontal curves 250 ft.

The remainder of the streets in the city shall be classed as local streets and shall have the following minimum requirements:

Minimum right-of-way width 60 ft.
Minimum radii of horizontal curves 200 ft.

The minimum gradient on a street shall be 0.5% except that minimum of 0.25% may be permitted by the City Engineer in unusual cases.

When a proposed subdivision abuts a thoroughfare, or is bounded by a line that will in the future lie in a thoroughfare, or is divided by a thoroughfare, as shown in the Comprehensive Plan, then the owner of that subdivision shall dedicate, without charge, any land within such subdivision that is necessary to provide conformity with the foregoing standards, such dedication to be shown on the preliminary plat and final plat.

SECTION 4. REQUIRED IMPROVEMENTS

Certain improvements shall be installed within the subdivision before building permits are issued for buildings on abutting lots or, in lieu of actual installation, benefit districts may be used for the required improvements. As an alternative to the above procedures, the developer may provide performance bond assuring that the

required improvements will be installed within a reasonable time. All improvements shall be installed in compliance with the specifications of the City of Lexington.

The following improvements shall be required.

1. Streets - All streets in the subdivision shall be paved. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer. All street construction shall conform to the specification of Lexington and compliance therewith shall be confirmed by the City Engineer prior to acceptance by or release of surety by the Governing Body.
2. Walks - Sidewalks shall be installed on both sides of all streets. All sidewalks shall be not less than four (4) feet in width, of portland cement concrete, and shall comply with the specification of the City of Lexington. Sidewalks shall be located in the platted street right-of-way, not more than one foot from the property line, or may be laid next to and abutting the curb along side of a street as described elsewhere in the code; however, all such sidewalks within a particular subdivision shall be located in a uniform manner. Walks shall also be installed in any pedestrian easements, as may be required by the Governing Body.
3. Storm Drainage - Culverts, storm sewers, rip-rap slopes, stabilized ditches and other improvements shall be installed to handle storm water adequately. Such improvements may be a part of a benefit district, may be installed by the subdivider prior to building permit issuance on abutting land, or installation may be guaranteed by performance bond as may be negotiated with the Governing Body.
4. Sanitary Sewers and Other Utilities - The subdivider shall be responsible for

proper installation of all utilities, including sanitary sewers, and connection to approved treatment facilities, water supply approved by the Nebraska Board of Health, natural gas, electricity, and telephone service. Such utilities shall be installed in accordance with the specifications and minimum standards of the controlling utility company, public agency or city.

SECTION 5. IMPROVEMENTS SURETY

The proper installation of street pavement, curbs or curb and gutter, walks, storm drainage facilities if not by benefit district or prior to building permit issuance, shall be guaranteed by the furnishing by the subdivider or his agent of surety in the form of bond. Such surety shall be to the favor of the City of Lexington and shall be furnished at the time construction plans are submitted for approval. The amount of surety shall be for the full cost of improvement, and shall remain in effect for one year from the date of completion and acceptance by the City of Lexington.

Such surety shall be properly executed prior to any grading or construction, and may be released in segments upon written approval of the City Engineer. A building permit shall not be issued for a lot or tract in a residential subdivision which was plat-
ted after the effective date of this ordinance, and which abuts a street which has not been completely improved or for which such surety has not been furnished, or which has not been included in a benefit district.

SECTION 6. RULE EXCEPTIONS

The standards and procedures required herein shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of these regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision

or portion thereof, the subdivider may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing the preliminary or final plat. A rule exception may be approved by the Planning Commission or the Governing Body or by both bodies, provided that, in its judgment, such action will not violate the public interest, unnecessarily burden the City of Lexington or will annul the intent and purpose of these regulations.

SECTION 7. APPEALS

Any decision of the Planning Commission on matters contained herein may be appealed to the Governing Body of the City of Lexington and said Governing Body may reverse or affirm such decision.

SECTION 8. FILING FEE

The following fees shall be paid by all persons or corporations submitting preliminary plats for approval by the Planning Commission, and shall be computed to the nearest dollar:

Fifteen (\$15.00) Dollars, plus:

<u>Number of Lots in Subdivision</u>	<u>Fee per Lot</u>
10 or fewer	2.00
11 to 5070
51 to 15040
151 to 50020
501 or more15

Minimum total fee shall be \$20.00. This fee shall be paid at the time the preliminary plat is submitted to the Planning Commission, and shall apply to approval of the

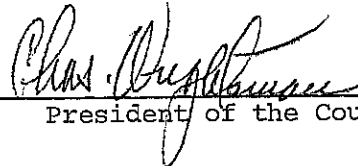
preliminary plat and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat. If the final plat is submitted in segments, then the above fee schedule shall again apply to all final plat submittals except the first.

SECTION 9 REPEAL


All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

This ordinance shall take force and effect from and after its final passage and approval by the Governing Body of the City of Lexington, Nebraska.

Passed and approved July 27, 1971.



President of the Council



City Clerk

(S E A L)