

## ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

### Section 111-1 Name and Citation of Titles.

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

### Section 111-2 Purpose

The purpose of this ordinance is to provide for the orderly development of Lexington and its environs by ensuring, 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 111-3 Definitions

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

- 111-3.01 **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.
- 111-3.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.
- 111-3.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.
- 111-3.04 **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.
- 111-3.05 **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.
- 111-3.06 **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 setback where the lot width shall meet the minimum lot width required in the district.
- 111-3.07 **BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the city manager 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 Regulations for the City of Lexington.
- 111-3.08 **CITY** shall mean the City of Lexington, Nebraska. Also, City Council or governing body.
- 111-3.09 **CITY COUNCIL** shall mean the governing body for the City of Lexington, Nebraska.
- 111-3.10 **CITY ENGINEER** shall mean the city engineer of the City of Lexington retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City or such other engineer as the city may assign in the particular matter.

- 111-3.11 **CLERK** shall mean the city clerk of the City of Lexington, Nebraska.
- 111-3.12 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Lexington, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of Lexington.
- 111-3.13 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.
- 111-3.14 **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.
- 111-3.15 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 111-3.16 **DEVELOPER**. See "Subdivider."
- 111-3.17 **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.
- 111-3.18 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.
- 111-3.19 **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.
- 111-3.20 **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.
- 111-3.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, 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.
- 111-3.22 **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.
- 111-3.23 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.
- 111-3.24 **LOT CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.
- 111-3.25 **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.
- 111-3.26 **LOT DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 111-3.27 **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.

- 111-3.28 **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.
- 111-3.29 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 111-3.30 **LOT LINE** shall mean the boundary line of a lot.
- 111-3.31 **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.
- 111-3.32. **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.
- 111-3.33. **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 Dawson County.
- 111-3.34. **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Dawson County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this ordinance.
- 111-3.35. **LOT SPLIT** shall mean a subdivision involving the division of one or more lots with the end result not be greater than two lots.
- 111-3.36. **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.
- 111-3.37. **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.
- 111-3.38. **MASTER PLAN** See Comprehensive Development Plan.
- 111-3.39. **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.
- 111-3.40. **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.
- 111-3.41. **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.
- 111-3.42. **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.
- 111-3.43. **PLANNING COMMISSION** shall mean the Planning Commission of Lexington, Nebraska.
- 111-3.44. **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.
- 111-3.45. **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) lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting.

- 111-3.46. **PLAT, FINAL** shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this ordinance. Substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with this Ordinance is required.
- 111-3.47. **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.
- 111-3.48. **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.
- 111-3.49. **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 does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook-ups.
- 111-3.50. **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 111-3.51. **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.
- 111-3.52. **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.
- 111-3.53. **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.
- 111-3.54. **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.
- 111-3.55. **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 111-3.56. **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 111-3.57. **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.
- 111-3.58. **SUBDIVISION AGREEMENT** An agreement between the City of Lexington 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.
- 111-3.59. **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 111-3.60. **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of Lexington as amended from time to time.

## **ARTICLE 2: GENERAL PROVISIONS**

### **Section 111-20 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.

### **Section 111-21 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 two (2) 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 111-22 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 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 111-23 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 ten (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 111-24 General Provisions: Interpretation.**

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

### **Section 111-25 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 Ordinance, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

### **Section 111-26 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 111-27 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 a 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 Lexington at least one time, ten days prior to such hearing.

### **Section 111-28 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 City Council, 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. The standards and requirements of this ordinance may be modified by the City Council after receiving a report from the Planning Commission in the case of a Planned Unit Development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

## **ARTICLE 3: PROCEDURES**

### **Section 111-29 Procedure for Filing Pre-application Plans and Data.**

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

- 111-29.01 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 111-29.02 A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

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

### **Section 111-30 Procedure for Approval of Preliminary Plat.**

- 111-30.01 Before any subdivider 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 Lexington or which is within a two mile limit of the City of Lexington as it may from time to time exist or which is proposed to be annexed, the subdivider or subdivider's representative shall file a preliminary plat of said subdivision with the City of Lexington. The preliminary plat shall be prepared in accordance with the regulations set forth herein, 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 map 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 filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

- 111-30.02 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.
- 111-30.03 One full sized copy and one digital copy of the preliminary plat and required supplementary material as specified in Section 111-31 of this ordinance shall be submitted to the City of Lexington Development Services Department in accordance to the review schedule. City staff shall distribute one copy of the preliminary plat with a request for comments to the school district and other entities, as the city deems appropriate.

**Section 111-31 Preliminary Plat Specifications.**

The preliminary plat shall be drawn to a scale of at least one (1") inch to one hundred (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:

- 111-31.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 111-31.02 Both existing and proposed grades shall be shown.
- 111-31.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 111-31.04 The proposed name of the subdivision; which must not be so similar to that of an existing subdivision as to cause confusion.
- 111-31.05 The proposed names and addresses of the owner and subdivider; the engineer or surveyor, responsible (all of which are licensed to practice in Nebraska) for the subdivision layout; and the names of all landowners abutting the proposed subdivision.
- 111-31.06 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.
- 111-31.07 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 (5') 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).
- 111-31.08 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).
- 111-31.09 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.
- 111-31.10 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.
- 111-31.11 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.
- 111-31.12 Proposed grades shall be shown.
- 111-31.13 All established floodway, floodway-fringe, and flood plain overlay lines.

- 111-13.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
- 111-31.15 A draft copies of the subdivision agreement with attached itemized cost estimate for all public improvements and detailed breakdown of portion of estimated costs to be borne by subdivider and those to be borne by the City, S.I.D. or other proposed issuer of public debt.
- 111-31.16 One copy of an erosion control plan.
- 111-31.17 Requests for waivers of design standards.
- 111-31.18 The subdivider or subdivider's representative shall be in attendance at the City Planning Commission and City Council Meetings when the preliminary plat (displayed in duplicate) is discussed.
- 111-31.19 Traffic impact analysis study may be required by the city engineer.
- 111-31.20 The following documents are to be submitted to the City for review at the time of the preliminary plat submittal:
1. A sanitary sewer plan.
  2. A surface storm drainage plan including provisions for control of the first 0.5 inches of runoff from the site.
  3. A street profile plan with a statement of proposed street improvements.
  4. A Post-Construction Storm Water Management Plan with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's.

**Section 111-32 Procedure for Approval of Final Plat.**

- 111-32.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.
- 111-32.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.
- 111-32.03 The Planning Commission will consider the final plat at a public hearing, of which notice is given in a newspaper of general circulation within the City of Lexington, and will:
1. Review the final plat and other material submitted for conformity thereof to this ordinance,
  2. Review any recommendations of the above agencies and other agencies, and
  3. Recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him\her.

The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

- 111-32.04 Conditional approval of a final plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the final plat.
- 111-32.05 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 Lexington. The City Council may (a) Concur with the Planning Commission's Recommendation; (b) Reverse the Planning Commission's recommendation; or (c) Refer the final 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.
- 111-32.06 One full sized copy and one digital copy of the final plat and required supplementary material as specified



in Section 3.05 of this ordinance shall be submitted to the City of Lexington Development Services Department in accordance to the review schedule.

111-32.07 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 Dawson County Register of Deeds, the reproducible copy with the city clerk, and the one copy of the original with the Development Services Department.

111-32.08 Final approval by the City Council shall be by resolution after receiving the recommendation of the Planning Commission.

111-32.09 The final plat will be filed with the register of deeds within one year of the City Council's approval. Evidence of such shall be submitted to the City by the subdivider or appointed representative.

### **Section 111-33 Final Plat Specifications.**

After approval of the preliminary plat by the Development Services Department, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of at least one (1") inch to one hundred (100) feet with a sheet size not to exceed 42"x30" accompanied by the following information:

111.33.01. 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.

111.33.02. Date, north arrow and graphic scale.

111.33.03. Lot designation, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown.

111.33.04. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the most recent version of the "Minimum Standards For Surveys," as established by the Professional Surveyors Association of Nebraska.

111.33.05. Fractional lines and corners of the Government Township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.

111.33.06. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.

111.33.07. Bearings, based on assumed meridian approximating North, of all boundary lines or internal angles of all angle points on the boundary shall be shown.

111.33.08. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

111.33.09. Adjacent subdivisions, streets, alleys and easements, with their widths and names.

111.33.10. Names and widths of the streets, and block and lot numbers (numbered consecutively).

111.33.11. Location of lots including square footage of each lot, 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.

111.33.12. All distances shall be shown in feet to the nearest one-hundredth of a foot.

111.33.13. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes

- 111.33.14. A block for the certification signed by the county treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
- 111.33.15. A block for the approval of the Planning Commission.
- 111.33.16. A block for the approval of the City Council to be signed by the mayor and attested to by the city clerk.
- 111.33.17. A legal description including total acreage.
- 111.33.18. A block for Certificate of County Register of Deeds.
- 111.33.19. A block for Surveyors Certification.
- 111.33.20. A copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 111.33.21. Prior to approval of the City Council, at least one signed reproducible copy (Mylar) of the final plat shall be submitted as well as one digital copy
- 111.33.22. Plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev State Stat. §86-1601 to 86-1606 (RRS 1998), except that North American Datum (“NAD”) 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet and decimals of a foot shall be required in Lexington (Dawson County) pursuant to Neb. Rev. Stat. §86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.
- 111.33.23. Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.
- 111.33.24. 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 and if City, Sanitary and Improvement District or other form of public debt is to be incurred, the data must include a breakdown for each type of improvement showing detailed quantities and costs to be specially assessed or otherwise to be borne by the subdivider and those costs proposed not be borne by special assessment or otherwise borne by the subdivider (the latter sometimes referred to as “General Obligation”).
- 111.33.25. Development of an acceptable subdivision agreement prior to City Council action.
- 111.33.26. Waivers being requested.
- 111.33.27. Final plat shall then be submitted to the City Council approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least ten (10) days prior to the hearing in a paper of general circulation in the City of Lexington.

#### **Section 111-34 Plats Outside Corporate Limits.**

Procedure for approval of preliminary and final plats of land within extraterritorial zoning jurisdiction but outside the corporate limits of the City shall be the same as set forth in this Article.

#### **Section 111-35 Vacation of Plat of Record.**

- 111.35.01 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.

111.35.02. The subdivider 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 Dawson County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

### **Section 111-37 Administrative Plats**

111-37.01 The intent of this section is to provide for lot splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than four lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. Consolidation of ten (10) or fewer lots into not more than two (2) lots may be permitted without having to re-plat, provided requirements of section 111-37.03 are not warranted. The City Manager or his/her designee shall review the administrative plat application and make a final determination.

111-37.02 Requests for an administrative plat approval shall be made by the subdivider or a designated representative of the land to the city staff. The administrative plat shall include the following:

1. A survey of the lot(s),
2. Location of all existing structure(s),
3. Location and dimensions of the proposed administrative plat,
4. A block for Acknowledgment by Notary.
5. A block for Surveyors Certification,
6. A block for Certificate of County Register of Deeds,
7. 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,
8. A block for the approval of the City Manager,
9. Size and number of copies shall conform to 111-33.24.

111-37.03. 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 (unless certain easements are determined by city staff to be unnecessary and for which proper release from the corresponding utility companies have been made and filed) 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.

111-37.04 No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.

111-37.05 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.

111-37.06 The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.

111-37.07 After approval from the city staff, all mylars must be certified by all applicable parties and two (2) copies filed with the City prior to the issuance of a permit.

## **ARTICLE 4: DESIGN STANDARDS**

### **Section 111-60 Minimum Design Standards.**

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

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform 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 plat 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 111-61 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 forty (40) feet or other approved design.

### **Section 111-62 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 111.82 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 111-63 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 (1/2) 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 (1/2) 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 111-64 Design Standards: Intersections.**

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (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 111-65 Minimum Design Standards: Curves in Streets: Horizontal.**

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

Where there is a deflection angle of more than ten (10) degrees in the 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 111.82 of this ordinance.

**Section 111-66 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 four tenths (0.4' / 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 111.82 of this ordinance.

**Section 111-67 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 111-68 Design Standards: Access/Egress.**

There shall be a minimum of two (2) vehicular access points per platted subdivision. The city engineer shall determine the most suitable location for said access points during the review period.

**Section 111-69 Design Standards: Street Jogs.**

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

**Section 111-70 Design Standards: Cul-de-sac Streets.**

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet and shall

provide a turnaround conforming to the requirements of section 111.82 of this ordinance. 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.

**Section 111-71 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 proposed names of all streets shall be approved by the City Council prior to such names being assigned or used.

**Section 111-72 Design Standards: Private Streets and Reserve Strips.**

New private streets may be created as part of a Plan Unit Development district, provided such streets are specifically authorized by the city council as an exception to the terms of the ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the City as authorized in this ordinance.

**Section 111-73 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 one thousand three hundred twenty (1,320) feet and shall be a minimum length of three hundred (300) feet. Pedestrian easements ten (10) feet wide shall be provided through or near the center of blocks more than six hundred (600) feet long in order to provide for pedestrian circulation.

**Section 111-74 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 or approved private street. Side lot lines shall be substantially at right angles or radial to curved street lines.

**Section 111-75 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 easement of at least ten (10) feet in width shall be provided along the line of lots abutting such arterial street and the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street. Such screen shall be installed prior to the issuance of a certificate of occupancy.

**Section 111-76 Design Standards: Easements.**

Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least 20 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 20 feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines.

Easements shall be indicated on the plat.

**Section 111-77 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 111-78 Design Standards: Sanitary Sewer System.**

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

**Section 111-79 Design Standards: Sidewalks.**

All sidewalks within subdivisions shall have a minimum pavement width of four feet and minimum pavement thickness of six inches along major or other arterials and four inches everywhere else, all of which shall be located within the right-of-way not directly abutting any street.

**Section 111-80 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.

**Section 111-81 Design Standards: Creek Setback.**

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

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

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

**Section 111-82 Minimum Street Standards**

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width <sup>1</sup> (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) <sup>3</sup>	Minimum Pavement Thickness <sup>4, 7, 8</sup>
Arterial Street <sup>6</sup>	100'	49' <sup>5</sup>	4	6	(5)	(5)	9"
Collector Street	60'	37'	3	10	300	250'	7"
Local Street and Minor Street without Parking	50'	25'	2	10	200	175'	7"
Cul-De-Sac <sup>2</sup> and Loop Street	50'	37.5'	2	10	100	175'	7"
Marginal Access (Frontage Road) (No Parking)	40'	25'	2	8	300	250'	7"

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50') feet and the minimum pavement radius for the cul-de-sac turnaround shall be thirty-seven and a half (37.5) 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 the American Association of State Highway and Transportation Officials (AASHTO).
5. Per NDOR Standards or as directed by the city engineer.
6. All section line roads will be designated as arterial streets.
7. Streets in commercially zoned subdivisions shall be eight inches thick.
8. Streets in industrially zoned subdivisions shall be nine inches thick.

**Section 111-83 Design Standards: Conformance with Other Regulations.**

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms with 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.

**ARTICLE 5: REQUIRED IMPROVEMENTS**

**Section 111-110 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 Department of Health and Human Services shall be the minimum standards required thereof.

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

**Section 111.111 Monuments and Markers.**

Monuments and markers placement shall be as follows:

111.111.01 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 111-112 Monument Construction.**

111.112.01. 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:

111.112.02. 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.

111.112.03 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 (5/8) inch and minimal length of twenty-four inches (24). 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.

111.112.04. 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 111-113 Street Grading and Construction.**

111-113.01 All streets shall be graded to the full width of right-of-way and to within six (6) inches of the street grade established in the approved final plat construction plans and specifications. Final construction plans shall be in conformance with Section 111.82.

111-113.02. Higher design standards may be required by the City to provide for unusual soil conditions or extraordinary traffic volumes or other abnormal characteristics.

111-113.03. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the City in accordance with the terms of this ordinance.

111-113.04. The applicant shall comply with all NPDES requirements as administered by the State of Nebraska.

#### **Section 111-114 Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, Hydrants.**

111.114.01. At least one (1) 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 (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles.

111.114.02. 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 City of Lexington, subsequent providers, and city engineer.

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

111.114.04. All hydrants will be located at a maximum of 450-foot intervals, unless otherwise authorized by the City. The layout and flow design must meet the minimum requirements as set forth by the City.

111.114.05. 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.

111.114.06. Gas mains shall be installed at the direction of the city engineer.

#### **Section 111-115 Required Improvements: Landscape Screens.**

Landscape screens as required by the City 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 111-116 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.

111-116.01 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.

111-116.02 The final plat drainage report shall contain:

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

111-116.03 Drainage Requirements. 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.

111-116.04 Drainage System Requirements. Drainage systems shall follow the requirements set forth by the City Engineer.

**Section 111-117 Required Improvements, Sanitary Sewers.**

Where a sanitary sewer is accessible by gravity flow within 500 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 500 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 500 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 twelve (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.

**Section 111-118 Required Improvements: Seeding.**

The areas of the plat, with the exception of the street right-of-ways, on which the existing vegetation has been destroyed as a result of grading operations shall be seeded with a seeding formula approved by the City during the first growing season immediately following the completion of the grading operations and reseeded until a satisfactory turf is established.

**Section 111-119 Required Improvements: Water Mains .**

The subdivision shall be provided with an adequate water supply system, which shall be connected to an approved water supply source.

**Section 111-120 Required Improvements: Roadway Improvements.**

The City may require new auxiliary lanes on existing roadways and/or traffic signals when determined to be necessary by the City or a traffic impact study, and the type of curb to be used in new developments.

## **ARTICLE 6: DEDICATIONS AND RESERVATIONS OF PUBLIC LAND**

### **Section 111-140 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 Lexington. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes. The agreement by which the legal assurances are proved shall be a covenant running with the land in a form acceptable to the City and enforceable by the City.

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

### **Section 111-141 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 (3) 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 (3) 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, the City may require dedication and/or other appropriate subdivider contribution to the cost of satisfying such need.

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 or reservation of such area or may accept the dedication of such area.

## **ARTICLE 7: IMPROVEMENT PROCEDURE**

### **Section 111-170 Platting, Etc. Costs.**

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 ensure orderly, cost effective growth in the City of Lexington, the City shall require that the subdivider pay for the following services and improvements indicated as part of the subdivision process.

111-170.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.

111-170.02. Unless otherwise agreed to by the City in a subdivision agreement, the subdivider shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

### **Section 111-171 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 these regulations 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 (1) or more of the guarantees set forth in Section 7.03 and 7.04 below.

**Section 111-172 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 111-173 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 one hundred ten (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 him or herself guaranteeing the following:

111-173.01. 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 subdivider as security in any other matter during that period.

111-173.02. 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 111-174 Improvements: Financing.**

111-174.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the subdivider may petition the City to create City 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, the City's evaluation of the debt impact on the City, or other sufficient reason as determined by the 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 twenty (20%) percent or more 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 eighty (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.

111-174.02 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 subdivider 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 subdivider 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 street 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 subdivider 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.

111-174.03 Whether within or without the corporate limits of the City, expenditures of public debt may not exceed the amount to be received from special assessments in respect to the improvements, except as allowed by the City's standard subdivision financing policies or as the City may otherwise agree.

111-174.04 Whether within or without the corporate limits of the City, the subdivider may use the private financing method which creates no public debt in respect to which the City may become liable.

111-174.05 Proof of financial capability to construct the proposed infrastructure.

#### **Section 111-175 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 (2) years from the date of final plat approval, provided, however the City Council may extend that deadline for one (1) 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 111-176 Installation of Improvements.**

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

111-176.01. They may install required improvements upon acceptance of plans and specifications being approved by the City Council.

111-176.02. 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 subdivider 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 111-177 Plan and Administration Review Reimbursement.**

The subdivider of a sanitary and improvements district 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 an amount equal to one percent (1%) of the actual construction cost of subdivider paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made on the basis of one percent (1%) of the construction and/or installation cost estimates for the various improvements computed by the subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for City final review approval.

#### **Section 111-178 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 (1) of the following:

111-178.01 Where improvements have been guaranteed under Section 7.03 of this ordinance, the bond shall be forfeited to the City.

111-178.02 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 111-179 Certification and Inspection.**

Upon completion of the improvements, the city engineer or other authorized person shall file with the City a statement either certifying that the improvements meet the requirements of the city or provide a statement indicating the improvements do not meet the requirements of the approved improvement plans and specifications.

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

111-179.01. That all required improvements are complete.

111-179.02. That these improvements are in compliance with the minimum standards specified by the City.

111-179.03. That there are no known defects from any cause in the improvements.

111-179.04. That these improvements are free and clear of any encumbrances or lien.

If the city engineer or other authorized person has certified that the improvements are complete and free from defect, the City shall accept any dedication 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.

The city engineer or other authorized person shall regularly inspect the condition of required improvements for defects.

#### **Section 111-180 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 111-181 Release of Guarantee.**

Upon acceptance, in accordance with Section 111-170 and 111-171 of the ordinance, the City shall authorize the release of the performance bond or the remaining portion of the escrow.

#### **Section 111-182 Operation and Maintenance.**

It is the intention of the City to provide no services other than planning, zoning, building code enforcement, 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 111-200 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:

111.200.01. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.

111.200.02. The waivers are necessary for the reasonable and acceptable development of the property in question.

111-200.03. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

### **Section 111-201 Planned Unit/Cluster 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 Planned Unit Development or cluster development. The subdivider shall indicate where the plans vary from the requirements of this ordinance and shall present evidence to support such requests.

### **Section 111-202 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 111-220 General.**

The following apply towards administration of this ordinance:

111-220.01 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.

111-220.02 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 Dawson County Register of Deeds.

111-220.03 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.

111-220.04 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 111-221 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 111-222 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 one hundred dollars (\$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 thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.