

TITLE XV: LAND USAGE

Chapter

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BUILDING PERMITS AND REGULATIONS

§ 150.01 REQUIREMENT.

Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish or relocate any building or dwelling, or cause the same to be done, shall file with the City Clerk-Treasurer an application for a building permit. The application shall be in writing on a form to be furnished by the City Clerk-Treasurer for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such

other information as may be requested thereon. The application, plans and specifications so filed with the City Clerk-Treasurer shall be checked and examined by the City Council, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the City Council shall authorize the City Clerk-Treasurer to issue the applicant a permit upon payment of a permit fee set by the Council by resolution. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.
Penalty, see § 10.99

§ 150.02 LIMITATION.

If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction is discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.
Penalty, see § 10.99

§ 150.03 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair of any building within the city's jurisdiction, if the improvement is \$2,500 or more, a duplicate of the permit shall be issued to the County Assessor.
(Neb. RS 18-1743)

§ 150.04 LEAD PIPES, SOLDER AND FLUX PROHIBITED.

(A) Any pipe, pipe fitting, solder or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LEAD FREE.

(a) For solders and flux, not more than 0.2% lead; and

(b) For pipe and pipe fittings, not more than 8% lead.

(Neb. RS 71-5301) (1977 Code, § 3-118) (Ord. 88-943M, passed 7-18-1988) Penalty, see § 10.99

§ 150.05 BARRICADES AND LIGHTS.

It shall be the duty of the owner, tenant or lessee causing the construction, demolition or moving of any building or improvement within the city to have during such work all excavations, open basements, building materials and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect or refusal of the persons to erect such guards shall constitute a violation of the section and the Police Department or the Building Inspector shall stop all work until guards are erected and maintained as required.

(1977 Code, § 9-401)

§ 150.06 PLANS, PLATS AND THE LIKE; MUNICIPAL OFFICIALS; DUTY.

Except where specifically exempted by state law, a municipal official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps and reports shall not accept or approve plans, specifications, geological maps or reports which have not been prepared in accordance with the Geologists Regulation Act.

(Neb. RS 81-3538) (Ord. 2000-1075M, passed 9-25-2000)

MOVING OF BUILDINGS**§ 150.20 REGULATIONS.**

It shall be unlawful for any person, firm or corporation to move any building or structure within the municipality without a written permit to do so. Application may be made to the Municipal Clerk-Treasurer and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located. The Municipal Clerk-Treasurer shall refer the application to the municipal police for approval of the proposed route over which the building is to be moved. Upon approval of the City Council, the Municipal Clerk-Treasurer shall then issue the permit, provided that a good and sufficient corporate surety bond, check or cash in an amount set by motion of the City Council and conditioned upon moving the building without doing damage to any private or municipal property is filed with the Municipal Clerk-Treasurer prior to the granting of any permit. No moving permit shall be required to move a building that is ten feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using or operating the poles, wires or line shall upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires or line relative to the building moving operation. All expense of the disconnection, removal or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the company's

franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes or wire belonging to the municipality, notice in writing of the time and route of the building moving operation shall be given to the various municipal officials in charge of the municipal utility departments who shall proceed in behalf of the municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

(1977 Code, § 9-301) (Ord. 82-890, passed 4-19-1982) Penalty, see § 10.99

Statutory reference:

Authority to regulate moving of buildings, see Neb. RS 17-142

§ 150.21 DEPOSIT.

At such time as the building moving has been completed, the municipal police shall inspect the premises and report to the Municipal Clerk-Treasurer as to the extent of damages, if any, resulting from the relocation and whether any municipal laws have been violated during the operation. Upon a satisfactory report from the municipal police, the Municipal Clerk-Treasurer shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion thereof is not properly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by the City Council, as required herein, the City Council may recover such excess expense by civil suit or otherwise as prescribed by law.

(1977 Code, § 9-302) (Ord. 82-890, passed 4-19-1982)

UNSAFE BUILDINGS

§ 150.35 DEFINITION.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNSAFE BUILDING. Includes any building, shed, fence or other human-made structure:

(a) Which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(b) Which because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes or creates a fire hazard; or

(c) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of the structure.

(B) Any such unsafe building in the city is hereby declared to be a nuisance.
Penalty, see § 10.99

§ 150.36 PROHIBITIONS.

It shall be unlawful to maintain or permit the existence of any unsafe building in the city, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy the building or permit it to be occupied while it is in an unsafe condition.

Penalty, see § 10.99

Statutory reference:

Authority to prevent and abate nuisances, see Neb. RS 18-1720

§ 150.37 DETERMINATION; NOTICE.

(A) (1) Whenever the City Council or its designee has made a determination that a building or other structure in the city is an unsafe building, it shall be the duty of the City Clerk-Treasurer to post the property accordingly and to file a copy of such determination or resolution in the office of the County Register of Deeds to be recorded.
(Neb. RS 18-1722.01)

(2) The Clerk-Treasurer shall also serve written notice upon the owner and any occupant of the building or other structure by certified mail or personal service.

(B) This notice shall state that the building has been declared to be in an unsafe condition, that the dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied within 60 days from the date of receipt. The notice may be in the following terms:

“To _____ (owner-occupant of premises), of the premises known and described as _____.

“You are hereby notified that _____ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by _____. The causes for this decision are _____ (here insert the facts as to the dangerous condition).

“You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the city will proceed to do so. Appeal of this determination may be made to the City Council, acting as the Board of Appeals, by filing with the City Clerk-Treasurer within ten days from the date of receipt of this notice a request for a hearing.”

(C) If the person receiving the notice has not complied within 60 days from the date of receipt of the notice, or taken an appeal from the determination that a dangerous building exists within ten days from the time when this notice is served upon that person by personal service or certified mail, the Building Inspector or other designated official may, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe building.

§ 150.38 HEARING AND APPEAL.

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the City Clerk-Treasurer request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The City Council shall grant such a hearing within ten days from the date of receiving the request. A written notice of the City Council's decision following the hearing shall be sent to the property owner by certified mail.

(B) If the City Council rejects the appeal, the owner shall have 60 days from the sending of the decision to begin repair or demolition and removal. If after the 60-day period the owner has not begun work, the City Council shall proceed to cause the work to be done, except that the property owner may appeal the decision to the appropriate court for adjudication, during which proceedings the decision of the City Council shall be stayed.

(C) Any city police officer or member of the City Council shall at once inform the County Treasurer of the removal or demolition of or a levy of attachment upon any item of real property known to him or her.
(Neb. RS 77-1725.01)

§ 150.39 EMERGENCY.

Where any unsafe building or structure poses an immediate danger to the health, safety or general welfare of any person or persons and the owner fails to remedy the situation in a reasonable time after notice to do so, the city may summarily repair or demolish and remove that building or structure.

§ 150.40 SPECIAL ASSESSMENTS.

(A) If any owner of any building or structure fails, neglects or refuses to comply with notice by or on behalf of the city to repair, rehabilitate or demolish and remove a building or structure which is an unsafe building or structure and a public nuisance, the city may proceed with the work specified in the notice to the property owner. A statement of the cost of this work shall be transmitted to the City Council.

(B) The City Council may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.
(Neb. RS 18-1722)

Section

151.01 City limits defined

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CHAPTER 151: PLANNING

§ 151.01 CITY LIMITS DEFINED.

All additions, lots, lands, subdivisions and parcels of ground included within the official municipal map and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the City Council or by law duly annexed to or made a part of this city, or having been by the act, authority, acquiescence, consent, platting and dedication of their respective owners, created either as the original townsite or as additions to the city are hereby declared to be within the corporate limits of the city. Lawfully constituted additions or changes in the city limits shall be indicated upon the maps and plat by the Municipal Engineer after such addition or change has been completed in accordance with the ordinances of this city and the laws of the state.

(1977 Code, § 11-101)

§ 151.02 ORIGINAL PLATS.

Each and all plats, lots, blocks, additions, subdivisions, outlots and parcels of ground included within the corporate limits of the city, and not vacated of record prior to the enactment of this chapter, including the original plat of the city, are hereby accepted, approved and confirmed as valid, and each and all of the lots, blocks, additions, subdivisions and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within the corporate limits, are hereby declared to be within the city and an integral part thereof.

(1977 Code, § 11-102)

§ 151.03 EXTRATERRITORIAL JURISDICTION.

The territory located within one mile of the corporate limits of the city is hereby designated as the city's extraterritorial jurisdiction for the purpose of exercising the powers and duties granted by Neb. RS 17-1002 and 17-1003 with respect to subdivisions and platting and Neb. RS 19-2402 with respect to

extension of water or sanitary sewer service. The boundaries of the territory so designated shall be as shown on the official zoning map, a copy of which is on file and available for public inspection in the office of the City Clerk-Treasurer.
(Neb. RS 17-1002)

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GENERAL PROVISIONS

§ 152.001 TITLE.

This chapter shall be known and cited as the “Subdivision Regulations for Valentine, Nebraska”.
(1977 Code, § 12-101) (Ord. 617, passed 11-8-1976)

§ 152.002 PURPOSE AND INTENT.

It is the intent and purpose of this chapter to regulate the subdivision of land to obtain functional street layouts; to provide adequate-size lots which are in conformity with the highest and best use of land; to provide for adequate open spaces for traffic, schools and recreation; to ensure the installation of adequate-sized utilities and adequately improved streets; and to provide for other features of the Comprehensive Plan; all to the end that the development of land may proceed in an orderly manner, good liveable neighborhoods with all of the needed community facilities may be created and excessive city maintenance expense may be avoided.
(1977 Code, § 12-102) (Ord. 617, passed 11-8-1976)

§ 152.003 APPLICATION AND JURISDICTION.

Every owner of any lot, tract or parcel of land within the corporate limits of the city or within the area one mile thereof, who may hereafter subdivide the same into two or more lots, sites or other

divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, shall submit a plat in accordance with the requirements of these regulations. The division of land shall not be considered a subdivision when the smallest parcel of land created is more than ten acres in area.

(1977 Code, § 12-103) (Ord. 617, passed 11-8-1976)

§ 152.004 SUBMISSION TO SCHOOL BOARD.

At least ten days prior to any approval on the preliminary or final plats by the Planning Commission, a copy of each preliminary or final plat shall be submitted to the School Board of each district in which the real estate is located for their consideration and recommendations. The Board shall recommend, in writing, to the Planning Commission that such plat be approved or disapproved in whole or part or with such changes as may be desirable. This recommendation shall be advisory, and failure of the Board of Education to make written recommendation shall be construed as an approval of the proposal submitted.

(1977 Code, § 12-104) (Ord. 617, passed 11-8-1976)

§ 152.005 PROFESSIONAL ASSISTANCE.

The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

(1977 Code, § 12-105) (Ord. 617, passed 11-8-1976)

§ 152.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public right-of-way which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

BLOCK. A tract or parcel of land bounded by public streets or land, streams, railroads, unplatted lands or a combination thereof.

BUILDING LINE. A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the Zoning Code, and where they do not, the most restrictive requirement shall control.

CITY COUNCIL. The City Council of Valentine, Nebraska.

COMPREHENSIVE PLAN. A general plan for the improvement and development of Valentine, Nebraska as adopted by the City Planning Commission.

CUL-DE-SAC. A street having one end connecting with a public right-of-way and being terminated at its other end with a vehicular turn-around.

EASEMENT. A right to use a parcel of land, granted to the general public, utility, corporation, by the property owner.

FRONTAGE. The portion of a parcel of property which abuts a public street.

FRONTAGE STREET. Minor streets which are parallel to and adjacent to major streets or highways and provide access to the abutting properties and protection from through traffic.

LOT. A portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.

LOT OF RECORD. A tract of land described as an integral portion of a subdivision plat which is properly recorded.

MONUMENTS. Permanent concrete monuments with a survey cap on a one-inch or two-inch iron pipe or on a five-eighths inch rebar used to establish all lot and block corners in a subdivision.

PLANNING COMMISSION. The Planning Commission of Valentine, Nebraska.

PLAT. A map, drawing or chart on which the subdivider's plan of the subdivision is presented to the Planning Commission and City Council for approval, and which he or she intends, in final form, to record.

STREET. A right-of-way, dedicated to public use, which affords a primary means of access.

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

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

SUBDIVIDER. A natural person, firm, partnership, association or any other group who submits a proposed subdivision for approval.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of for the purpose, whether immediate or future, for transfer or ownerships or building development.

WATERCOURSE. A natural or human-made depression in which a current of surface run-off water flows following precipitation.
(1977 Code, § 12-201) (Ord. 617, passed 11-8-1976; Ord. 88-945M, passed 7-18-1988)

PRELIMINARY PLAT**§ 152.020 PROCEDURE.**

(A) The owner or developer of any tract of land to be subdivided shall, at least ten days prior to the meeting of the Planning Commission, cause a preliminary plat to be prepared of the subdivision containing the information specified herein and shall file seven copies at a scale of at least 100 feet to one inch, with the City Clerk-Treasurer.

(B) The City Clerk-Treasurer shall immediately transmit five copies of the preliminary plat to the Planning Commission for study and recommendation to the City Council. If professional planning or engineering assistance is used, one copy shall immediately be transmitted for his or her evaluation and recommendation to the Commission.

(C) The Planning Commission shall examine the plat as to its compliance with this chapter, and the Comprehensive Plan of the city, shall have 30 days in which to submit a recommendation to the City Council for their consideration. In case of modification or disapproval, the Planning Commission shall give its reasons.

(D) The City Council, upon receiving the Commission's recommendation, or after 30 days, or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat. Approval of the preliminary plat by the City Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.
(1977 Code, § 12-301) (Ord. 617, passed 11-8-1976)

§ 152.021 REQUIREMENTS.

Preliminary plats shall contain the following information:

(A) A small scale key or vicinity map adequately covering the area within a half-mile radius of the subdivision, showing the relation of the plat to major commercial, industrial developments and the boundary of the drainage area affecting the plat; and

(B) A preliminary plat of the subdivision drawn to the scale of 100 feet to one inch, the preliminary plat to show:

- (1) Legal description, acreage and proposed name of subdivision;
- (2) Name and address of owner;
- (3) Name of person who prepared the plat, and date thereof;

- (4) North point and graphic scale;
- (5) Location of existing structures;
- (6) Existing and proposed tentative contours at one foot intervals, or less;
- (7) Location of existing or platted streets within the proposed subdivision within 200 feet thereof; location of lot lines, public utilities, water mains, sewers, drain pipes, culverts, watercourses, bridges, railroads and buildings in the proposed subdivision and within 50 feet thereof;
- (8) Layout and approximate dimension of proposed blocks (if used) and lots, and the lot and block number in numerical order;
- (9) Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks and other open spaces or reserved areas;
- (10) Name of adjacent property owners;
- (11) The general location of proposed water mains and sanitary sewers;
- (12) The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures; and
- (13) Proposed building lines, if different than the yard requirements established in the Zoning Code.

(1977 Code, § 12-302) (Ord. 617, passed 11-8-1976)

Statutory reference:

Requirements for subdivision plats, see Neb. RS 17-415 through 17-418 and 19-916

§ 152.022 FEE.

Before a preliminary plat may be considered by the Planning Commission, the subdivider shall deposit with the City Clerk-Treasurer a fee of \$25.
(1977 Code, § 12-303) (Ord. 617, passed 11-8-1976)

§ 152.023 ADMINISTRATIVE SURVEY PLAT.

(A) *When permitted.* The City Manager is hereby empowered to administratively approve an instrument affecting a subdivision when the following conditions exist:

- (1) No new streets or private roadway is dedicated, accepted or needed within the area of the new lots;

(2) The area affected by the instrument affecting a subdivision is wholly contained within the boundaries of a previous subdivision which has been platted and recorded;

(3) The new lots shall meet all zoning requirements of the zoning district in which they are situated;

(4) The instrument affecting a subdivision shall create no more than four lots from any prior lot, tract or parcel of land. If the four lots have been created by prior administrative approval, any further subdivision shall be done by filing and processing a plat as otherwise provided in this chapter. Exceptions to the foregoing restriction shall be permitted only to allow adjustment of lot lines in case of mistake or error. All new lots shall continue to be described in terms of the preexisting lot description; and

(5) Any easements required for utilities, drainage and any other improvements shall be provided.

(B) *Procedure.* The City Manager shall be provided with the following information:

(1) A statement from the County Treasurer showing that all general real estate taxes assessed against the land within the proposed subdivision or any part thereof have been paid in full;

(2) A statement from the City Clerk-Treasurer showing that all special assessment installment payments are current as applied to the proposed subdivision; and

(3) A statement showing the method of apportioning any such installments against the new lots.

(C) *Survey.* If the City Manager determines that a survey of the area affected is necessary in order to determine whether the proposed subdivision will comply with this subchapter, a survey of the lots affected, showing the boundaries proposed to be created by such instrument shall be submitted to the City Manager by the subdivider. Such survey shall be drawn at a minimum scale of one inch to 100 feet by a licensed land surveyor and shall show the boundaries of the new lots superimposed over the existing lot boundaries. The survey shall also show the location of all existing buildings and the location of all existing utilities serving the land within the boundaries of the survey. Upon approval of the instrument affecting subdivision, the survey as provided in this section shall be filed with the County Register of Deeds and County Assessor.

(D) *Approval or denial by City Manager.* If the City Manager determines that an instrument affecting subdivision meets the requirements of this subchapter, his or her approval shall be endorsed upon such instrument affecting subdivision. Upon denial of the request, if such approval is not given, the subdivider may submit the proposed subdivision to the Planning Commission by filing a preliminary plat and as otherwise provided in this chapter.

(E) *Fee.* Upon filing a request for administrative approval of an instrument affecting a subdivision, a fee of \$25 shall be paid. Additionally, the subdivider shall advance the costs necessary to record the final plat in the real estate records of the county. The final plat shall not be recorded until such time as the advance fees have been paid by the subdivider.
(1977 Code, § 12-304) (Ord. 617, passed 11-8-1976; Ord. 93-986M, passed 9-20-1993; Am. Ord. 2017-2209M, passed 9-14-2017)

§ 152.024 CONCURRENT PLATS/MINOR SUBDIVISION.

(A) *When permitted.* Whenever a subdivision or re-subdivision of a parcel consists of five or fewer lots or when the subdivision consists of combining three or fewer lots, the City Council may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the city staff, separate submission will not serve the public interest and will not conflict with the intent of these regulations.

(B) *Procedure.* Concurrent plats shall:

- (1) Be discussed with the City Manager at a scheduled pre-application meeting;
- (2) Be submitted to the City Clerk at least ten days prior to the next regular meeting of the Planning Commission at which request is to be heard;
- (3) Be accompanied by the application fees and completed application forms as required;
- (4) Follow the procedure set forth herein and contain the required information for preliminary and final plats, including public hearings, except that a public hearing at the Planning Commission is not required. Such hearing shall be posted with notice at least ten days prior to the hearing;
- (5) (a) A drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems;
(b) Exceptions. Drainage reports shall not be required for the following:
 1. Subdivision of existing tax lots that are primarily developed;
 2. Subdivision of a farmstead that creates not more than two lots and allows for the split of the main residence from the remaining farmstead; and
 3. Acreages where lots are not less than one acre in size.
- (6) Changes required by the City Manager shall be made prior to submission to the governing body. Final plans shall be submitted to the City Clerk at least seven days prior to the next regular meeting of the governing body.

(7) A final plat, in conformance with § 152.035 shall be submitted to the City Council for review and action prior to start of any construction.

(C) All fees set forth in § 152.037 for final plats shall apply to a concurrent/minor plat.
(Ord. 2017-2208M, passed 9-14-2017)

FINAL PLAT

§ 152.035 PROCEDURE.

(A) After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the City Clerk-Treasurer a final plat, prepared by a registered land surveyor and include all the data specified by these regulations.

(B) At least ten copies of the final plat shall be submitted at least ten days prior to the Planning Commission meeting. Of these, one shall be the original copy, ink drawn on a permanent reproducible material, such as Mylar or tracing cloth, and shall bear the original signatures of the required certificates.

(C) After review and consideration by the Planning Commission, the plat shall be submitted with their recommendation to the City Council for final approval and adoption after a public hearing. Prior to the public hearing, the City Council shall prepare a notice and cause same to be published at least once in the official newspaper at least three days before the public hearing. The notice shall contain the location of land, the name of the proposed subdivision and the date of the public hearing. Prior to submission of the final plat to the Council, the City Clerk-Treasurer shall certify that all improvements required by this chapter have been installed or satisfactorily arranged for. The City Zoning Inspector shall assist the City Clerk-Treasurer in certifying that all such improvements required by this chapter have been installed or satisfactorily arranged for.

(D) Upon approval of the final plat, a certification of approval signed by the City Manager and attested by the City Clerk-Treasurer shall be fixed to the original of the final plat and copies of the same filed with the Register of Deeds and County Assessor, along with such other certifications and instruments as may be required by law.

(1977 Code, § 12-401) (Ord. 617, passed 11-8-1976; Ord. 88-944M, passed 7-18-1988)

§ 152.036 REQUIREMENTS.

(A) The final plat may include all or only part of the preliminary plat.

(B) The plat shall be drawn to scale of 100 feet to one inch.

(C) The final plat shall contain the following:

- (1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 3,000 feet;
- (2) Accurate references to known or permanent monuments;
- (3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
- (4) Accurate legal description of the boundary;
- (5) Street names;
- (6) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley and lot lines;
- (7) Lot numbers and exact dimensions;
- (8) Block numbers;
- (9) Building lines if different than yard requirements of the Zoning Code;
- (10) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
- (11) Location, type, material and size of all markers;
- (12) Name of the subdivision;
- (13) North point, graphic scale and date;
- (14) Certificate signed by a registered land surveyor, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. The certificates shall state that a ground survey has been made and that monuments have been placed as shown on the plat;
- (15) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided, consenting to the plat including dedication to the public for public use of all streets, alleys and public ways and dedication of parks or other public grounds or as is thereon dedicated to charitable, religious or educational purposes, if any, and granting easements;
- (16) Certificate for the approval of the Planning Commission, to be signed by the Chairperson;
- (17) Certificate to be signed by the City Manager and attested by the City Clerk-Treasurer; and

(18) One copy of any private restriction or covenants affecting the subdivision of any part thereof.

(1977 Code, § 12-402) (Ord. 617, passed 11-8-1976)

Statutory reference:

Requirements for subdivision plats, see Neb. RS 17-415 through 17-418 and 19-916

§ 152.037 FEES.

There shall be a filing fee of \$25 for the final plat to be paid to the city. Additionally, the subdivider shall advance the costs necessary to record the final plat in the real estate records of the county. The final plat shall not be recorded until such time as the advance fees have been paid by the subdivider.

(1977 Code, § 12-403) (Ord. 617, passed 11-8-1976; Ord. 96-1009M, passed 6-17-1996)

DESIGN STANDARDS

§ 152.050 GENERAL PROVISIONS.

Land within the proposed subdivision which the City Council finds to be unsuitable for subdividing due to flooding or bad drainage or other topographic features likely to be harmful to the safety, welfare or general health of the future residents of the proposed subdivision, shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such hazards are provided.

(1977 Code, § 12-501) (Ord. 617, passed 11-8-1976)

§ 152.051 STREETS.

(A) The arrangement of major streets shall conform as nearly as possible to the Comprehensive Plan with provisions for the extension of thoroughfares and collector streets. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provision shall be made for future connections to adjoining unsubdivided tracts.

(B) Street classification.

<i>Street Classification</i>	<i>Minimum ROW</i>	<i>Minimum Pavement</i>	<i>Maximum Grades*</i>
Collector streets	70 feet	41 feet	8%
Minor residential streets	50 feet	25 feet	10%
Residential streets	60 feet	31 feet	10%
Thoroughfare streets	80 feet	45 feet	6%
* Minimum grade is not less than 0.5%			

(C) Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs shall normally not be longer than 600 feet and shall terminate with a turn-around having a street pavement diameter of not less than 100 feet.

(D) Where a proposed subdivision is adjacent to or contains an existing or proposed major or controlled access thoroughfare, provision shall be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or lots shall back up to the major street and have access only to the minor street.

(E) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.

(F) Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles. More than four approaches to any intersection shall be prohibited.

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

(H) There shall be no private streets platted in any subdivision. Every subdivided lot shall be served from a publicly dedicated street.

(I) Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.

(J) When a subdivision fronts on a state or federal highway or a major or primary thoroughfare, intersections onto that highway or thoroughfare shall not be less than 1,200 feet apart.

(K) Curb cuts shall be prohibited within 50 feet of intersecting street curb lines.

(L) The minimum right-of-way widths, pavement widths (back to back curb) and grades for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions or more than the maximum grades for each classification.

(M) Reserved or “spite” strips controlling access to streets shall be prohibited except where control is definitely placed with the city and the conditions approved by the Planning Commission.
(1977 Code, § 12-502) (Ord. 617, passed 11-8-1976)

§ 152.052 LICENSES AND PERMITS.

(A) Easements across lots or centered on rear or side lot lines, shall be provided for utilities, where necessary, and shall be ten feet wide on each side of the lot line for a total of 20 feet.

(B) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of such widths as will be adequate for both waterflow and maintenance operations.

(C) Where the streets, alleys, driveways, sidewalks or public accesses serving the subdivision are to be placed within county, state or federal rights-of-way, or intersect with county, state or federal rights-of-way, roadways or alleys, or are otherwise located on real estate subject to county, state or federal jurisdiction, the subdivider shall comply with all rules, regulations and other requirements of the county, state or federal jurisdiction and shall further obtain all necessary licenses or permits for construction thereon and shall perform such construction of any streets, alleys, driveways, sidewalks or public accesses in accordance with the requirements of the county, state or federal governments.
(1977 Code, § 12-503) (Ord. 617, passed 11-8-1976; Ord. 91-971M, passed 11-18-1991)

§ 152.053 BLOCKS.

(A) Except in unusual circumstances, the length of blocks shall not be less than 600 feet and not greater than 1,320 feet.

(B) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential to provide circulation for or access to schools, playgrounds, shopping centers and other community facilities.
(1977 Code, § 12-504) (Ord. 617, passed 11-8-1976)

§ 152.054 LOTS.

(A) Lot dimensions and lot area shall conform to the requirements of the Zoning Code.

(B) Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets.

(C) Each lot shall have satisfactory access to a public street.

(D) Double frontage lots shall be avoided except where they back up to a major street.

(E) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide off-street service and parking facilities required by the type of use and development contemplated.

(F) Side lot lines shall be substantially at right angles or radial to street lines.

(G) Setback or building lines may be shown on all lots but shall not be less than the setback required by the Zoning Code.
(1977 Code, § 12-505) (Ord. 617, passed 11-8-1976)

§ 152.055 PUBLIC SITES AND OPEN SPACES.

(A) Where a proposed park, playground, school or other public use, as shown on the plan, is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation for purchase for public use of such area within the subdivision in those cases which the Commission deems such requirements to be reasonable. The cost per acre of the reserved area shall be based upon raw land value of \$1,000 per acre, unless an agreed price per acre has been reached with the Planning Commission at the time the plat is accepted.

(B) To aid the acquisition of parks and open spaces as needed or as indicated on the Comprehensive Plan within a newly formed neighborhood, each subdivider shall deposit with the city a sum of \$15 per lot, based on the total number of lots on the final plat. The funds shall be reserved and used for the purchase of lands for public use.

(C) No land under three acres shall be accepted for public recreational use unless abutting an existing park.
(1977 Code, § 12-506) (Ord. 617, passed 11-8-1976)

IMPROVEMENTS

§ 152.070 GENERAL PROVISIONS.

The subdivider shall construct and install the improvements described in this subchapter in accordance with plans, specifications and data approved by the Planning Commission, and to its satisfaction.
(1977 Code, § 12-601) (Ord. 617, passed 11-8-1976)

§ 152.071 MONUMENTS.

The following described monuments shall be installed before the City Council shall approve the plat.

(A) The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than two inches in diameter and extending at least 30 inches below grade, set and anchored in concrete.

(B) Lot corners, all points of curvature, points of tangency and other points not required to be marked by division (A) above shall be monumented by a steel pipe or cylinder a minimum of one-inch in diameter or in the alternative it shall contain or be comprised of a solid steel rod a minimum five-eighths inch in diameter. In either case the minimum length of the steel rod or pipe shall be 24 inches and extend at least 24 inches below grade.

(C) All markers set by registered land surveyors must have affixed to the top of the marker a device commonly known as a survey cap which is stamped or marked with the following date:

(1) The year the monument was placed; and

(2) The official trademark of the surveyor's office or in the alternative the official registration number of the surveyor.

(1977 Code, § 12-602) (Ord. 617, passed 11-8-1976; Ord. 88-940M, passed 6-20-1988)

§ 152.072 UTILITIES.

(A) It shall be required that the owner or developer of the tract to be subdivided install, at his or her own expense, satisfactory sewer and water lines and electrical service which are necessary to serve such subdivision. Installation of the above shall be in accordance with the specifications of the city and under the direction and supervision of the City Council. Where adequate water and sewer lines and electrical service are accessible within 1,320 feet of the final plat, connections to these must be made. Water lines shall be looped according to specifications set by the City Council.

(B) The cost of providing this engineering service will be the responsibility of the owner or developer of the tract to be subdivided. Sewer and water lines shall have flow elevations as directed by the city.

(1977 Code, § 12-603) (Ord. 617, passed 11-8-1976; Ord. 88-940M, passed 6-20-1988)

§ 152.073 DRAINAGE.

An adequate system for the drainage of all surface water within the area being subdivided, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges and other structures shall be constructed by the developer. Such drains shall comply as to size with such requirements, conformable to good engineering practice, as the City Council shall prescribe; provided, that such drains in no event shall be less than 12 inches in diameter. Cross-drains shall be constructed to accommodate all natural water flow, be built on a straight line and grade, be laid on a firm base but not on rock, and be of sufficient length to permit construction of streets and alleys to their required width and grades. Surface drainage pipes shall be laid with the spigot end pointed in the direction of the flow, and all ends pointed

in the direction of the flow, and all ends shall be fitted and matched to provide tight joints and a smooth invert. Such pipes shall be placed at a depth below the road bed that is sufficient to avoid dangerous pressure from impact, and the top in no event shall be less than one foot below the surface of the road bed.

(1977 Code, § 12-604) (Ord. 617, passed 11-8-1976)

§ 152.074 SIDEWALKS.

Sidewalks a minimum of four feet wide shall be provided adjacent to each lot frontage in accordance with city specifications.

(1977 Code, § 12-605) (Ord. 617, passed 11-8-1976; Ord. 88-940M, passed 6-20-1988)

§ 152.075 GRADING.

All full width streets located entirely within the boundary of the subdivision, except thoroughfares and collector streets as noted in this subchapter, shall be graded to a minimum width of nine feet back of both curb lines to within six inches of the grade established by the city.

(1977 Code, § 12-606) (Ord. 617, passed 11-8-1976)

§ 152.076 CURB AND GUTTER.

Curb and gutter may be required by the city. In the event curb and gutter is required, it shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of portland cement concrete or such material as the city may approve in accordance with designs and specifications approved by the city.

(1977 Code, § 12-607) (Ord. 617, passed 11-8-1976; Ord. 85-918, passed 6-11-1985)

§ 152.077 SURFACING.

Roadways being dedicated for public use shall be surfaced whenever required by the city from curb to curb. In the event surfacing is required, it shall be portland cement concrete or the equivalent, or such other surfacing as the city may approve, and shall be constructed in accordance with designs and specifications approved by the city.

(1977 Code, § 12-608) (Ord. 617, passed 11-8-1976; Ord. 85-918, passed 6-11-1985)

§ 152.078 SPECIFICATIONS.

The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the City Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.
(1977 Code, § 12-609) (Ord. 617, passed 11-8-1976)

§ 152.079 OTHER IMPROVEMENTS.

(A) The City Council, upon recommendation of the Planning Commission, may require the installation of street lights, street signs and street trees.

(B) The owner or developer may tentatively plat a larger area for future development and upon City Council approval of the preliminary plat therefor, may submit portions thereof on final plats for approval at various times. It is further provided however, that after the City Council has approved the final plat for a portion of the area comprised in the tentative preliminary plat, the developer may submit for final platting the next portion only if the required improvements have been installed or have been contracted for as above provided in the portion comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.
(1977 Code, § 12-610) (Ord. 617, passed 11-8-1976; Ord. 85-918, passed 6-11-1985)

ADMINISTRATION AND ENFORCEMENT**§ 152.090 VARIANCES.**

(A) Whenever the tract of land proposed to be subdivided is:

- (1) Less than three acres and does not involve any unusual shape or topography;
- (2) Of such unusual shape or topography; or

(3) Affected by surrounding developments or unusual conditions such that the strict application of the requirements contained in this chapter would result in substantial inequities, the City Council upon recommendation of the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his or her property in a reasonable manner, but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of these regulations are preserved.

(B) In granting variances, the City Council upon recommendation of the Planning Commission, may require such conditions as will secure substantially the objectives of the standards or requirements so varied.

(1977 Code, § 12-701) (Ord. 617, passed 11-8-1976)

Statutory reference:

Provisions on variances, see Neb. RS 19-910

§ 152.091 AMENDMENTS.

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

(1977 Code, § 12-702) (Ord. 617, passed 11-8-1976)

§ 152.092 ENFORCEMENT.

(A) No plat of any subdivision within the application of this chapter shall be entitled to be filed or recorded in the office of the Register of Deeds or County Assessor and County Assessor or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by this chapter.

(B) It shall be unlawful to sell, grade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision within the application of this chapter unless the plan, plat or replat shall have first been approved as prescribed by this chapter and filed and recorded in the office of the Register of Deeds and County Assessor and County Assessor.

(C) No permit shall be issued for any structure on a site or tract of land which is not a lot of record at the time of the effective date of this chapter or which has not been approved or recorded in accordance with the provisions of this chapter.

(1977 Code, § 12-801) (Ord. 617, passed 11-8-1976)

§ 152.999 PENALTY.

(A) Any person who violates any of the provisions of this chapter, unless otherwise specifically provided, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum at least \$50 and not exceeding \$100 for any one offense, recoverable with costs, or imprisoned in the county jail for a term not to exceed 30 days, or both. Each day such violation continues after notice of violation is given to the offender shall be considered a separate offense. The sale of each and every lot sold in violation of this chapter shall be considered a separate violation.

(B) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(Neb RS. 19-913)

(1977 Code, § 12-802) (Ord. 617, passed 11-8-1976)

