

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Zoning District Maps attached to and made a
2 part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln
3 Municipal Code, by changing the boundaries of the districts established and shown thereon.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That the "Lincoln Zoning District Maps" attached to and made a part of Title
6 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
7 of the districts established and shown on said Maps as follows:

8 **PARCEL 1**

9 A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 I.T., LOCATED
10 IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH,
11 RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND
12 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST
14 QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE
15 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST
16 QUARTER ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF
17 50.00' TO THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT BEING
18 ON A NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET; THENCE
19 N89°49'27"W, ON A SOUTH LINE OF SAID LOT 49 I.T., SAID LINE BEING A
20 NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF
21 AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER,
22 A DISTANCE OF 20.13' TO THE SOUTHEAST CORNER OF LOT 50 I.T.,
23 THENCE N00°11'24"W, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE
24 BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 380.02' TO **THE**
25 **TRUE POINT OF BEGINNING**; THENCE N89°50'28"W, A DISTANCE OF
26 248.49' TO A POINT; THENCE S00°21'21"W, A DISTANCE OF 249.94' TO A
27 POINT; THENCE N89°49'27"W, A DISTANCE OF 1,051.11' TO A POINT OF

1 INTERSECTION WITH THE WEST LINE OF SAID LOT 50 I.T., SAID POINT
2 BEING ON THE EAST LINE OF LOT 56 I.T.; THENCE N00°17'55"W, ON THE
3 WEST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING THE EAST LINE
4 OF LOTS 10 I.T., AND LOT 56 I.T., A DISTANCE OF 1,462.67' TO A POINT;
5 THENCE N89°42'13"E, A DISTANCE OF 40.94' TO A POINT OF CURVATURE
6 FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A
7 CENTRAL ANGLE OF 26°19'31", A RADIUS OF 480.00', AN ARC LENGTH OF
8 220.54', A CHORD LENGTH OF 218.61', A TANGENT LENGTH OF 112.25',
9 AND A CHORD BEARING OF N76°32'28"E, TO A POINT; THENCE
10 S46°35'10"E, A DISTANCE OF 83.09' TO A POINT; THENCE S50°15'03"E, A
11 DISTANCE OF 178.93' TO A POINT; THENCE S49°24'00"E, A DISTANCE OF
12 61.30' TO A POINT; THENCE S46°14'29"E, A DISTANCE OF 59.50' TO A
13 POINT; THENCE S42°59'39"E, A DISTANCE OF 59.50' TO A POINT; THENCE
14 S39°44'42"E, A DISTANCE OF 59.76' TO A POINT; THENCE N51°53'27"E, A
15 DISTANCE OF 119.99' TO A POINT OF CURVATURE FOR A NON-TANGENT
16 CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL
17 ANGLE OF 02°31'18", A RADIUS OF 1,170.00', AN ARC LENGTH OF 51.49', A
18 CHORD LENGTH OF 51.49', A TANGENT LENGTH OF 25.75', AND A CHORD
19 BEARING OF N39°22'12"W TO A POINT; THENCE N49°22'10"E, A DISTANCE
20 OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A
21 CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A
22 RADIUS OF 1,230.00', AN ARC LENGTH OF 30.00' , A CHORD LENGTH OF
23 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF
24 S39°55'55"E TO A POINT; THENCE N43°45'44"E, A DISTANCE OF 108.81' TO
25 A POINT; THENCE N60°48'43"E, A DISTANCE OF 133.13' TO A NORTH
26 CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF
27 LOT 49 I.T.; THENCE S89°28'04"E, ON A NORTH LINE OF SAID LOT 50 I.T.,
28 SAID LINE BEING A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF
29 367.01' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING A
30 SOUTH CORNER OF SAID LOT 49 I.T.; THENCE S00°11'24"E, ON A EAST
31 LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49
32 I.T., A DISTANCE OF 1,195.73' TO THE POINT OF BEGINNING, SAID TRACT
33 CONTAINS A CALCULATED AREA 1,759,591.197 SQUARE FEET OR 40.39
34 ACRES, MORE OR LESS;

35 **TOGETHER WITH THE FOLLOWING:**

36 **PARCEL 2**

37 A TRACT OF LAND COMPOSED OF PORTION OF LOT 51 I.T., LOCATED IN
38 THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH,
39 RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND
40 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

41 COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST
42 QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE
43 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST
44 QUARTER, ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF
45 50.00' TO THE SOUTHWEST CORNER OF LOT 51 I.T., SAID POINT BEING
46 THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT ALSO BEING ON
47 THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT
48 BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING

1 N00°11'14"W ON SAID LINE, A DISTANCE OF 1,575.75' TO A POINT;
2 THENCE N89°48'39"E, A DISTANCE OF 391.27' TO A POINT; THENCE
3 S48°41'46"E, A DISTANCE OF 50.73' TO A POINT; THENCE S53°18'05"E, A
4 DISTANCE OF 56.95' TO A POINT; THENCE S57°48'46"E, A DISTANCE OF
5 48.60' TO A POINT; THENCE S59°44'46"E, A DISTANCE OF 141.21' TO A
6 POINT; THENCE S46°46'45"E, A DISTANCE OF 86.29' TO A POINT OF
7 CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE
8 DIRECTION HAVING A CENTRAL ANGLE OF 02°05'47", A RADIUS OF
9 820.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A
10 TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF N42°10'22"E TO
11 A POINT; THENCE S48°52'32"E, A DISTANCE OF 60.00' TO A POINT OF
12 CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION
13 HAVING A CENTRAL ANGLE OF 05°16'46", A RADIUS OF 880.00', AN ARC
14 LENGTH OF 81.08', A CHORD LENGTH OF 81.06', A TANGENT LENGTH OF
15 40.57', AND A CHORD BEARING OF S43°45'51"W TO A POINT; THENCE
16 S43°35'46"E, A DISTANCE OF 125.00' TO A POINT; THENCE S27°59'15"E, A
17 DISTANCE OF 355.67' TO A POINT; THENCE S33°56'02"E, A DISTANCE OF
18 180.34' TO A POINT OF INTERSECTION WITH AN EAST LINE OF SAID LOT
19 51 I.T., SAID POINT BEING ON THE WEST LINE OF LOT 48 I.T.; THENCE
20 S00°12'26"E, ON THE EAST LINE OF SAID LOT 51 I.T., SAID LINE BEING
21 THE WEST LINE OF LOT 48 I.T., OF 726.67' TO THE SOUTHEAST CORNER
22 OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF
23 SAID LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE
24 OF VAN DORN STREET, SAID POINT BEING 50.00' NORTH OF THE SOUTH
25 LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE
26 SOUTH LINE OF SAID LOT 51 I.T., SAID LINE BEING THE NORTH LINE OF
27 SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND
28 PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A
29 DISTANCE OF 1,061.56' TO THE POINT OF BEGINNING, SAID TRACT
30 CONTAINS A CALCULATED AREA 1,443,774.62 SQUARE FEET OR 33.14
31 ACRES, MORE OR LESS;

32 be and they are hereby (1) transferred from the AG Agricultural District to the R-3 Residential
33 District; (2) designated a Planned Unit Development District pursuant to and in accordance with
34 Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit Development District"; and
35 (3) governed by all the provisions and regulations pertaining to the R-3 Residential District
36 except as modified in Section 2 below.

37 Section 2. That the Wandering Creek Planned Unit Development Plan
38 ("Development Plan") submitted by Matodol, LLC ("Permittee") along with the Permittee's
39 application and site plan, be and the same is hereby approved upon condition that the use and
40 operation of the property within the Planned Unit Development District under the Development

1 Plan by Permittee be in substantial compliance with the Permittee's application, the site plan,
2 and the following express terms and conditions:

3 1. This Ordinance permits up to 104 residential dwelling units as part of R-3 PUD
4 Residential Area; up to 595 multifamily dwelling units or up to 480 persons for healthcare
5 residential or some combination of the two in the R-5 Multi-family area; and up to 10,000 square
6 feet or 12 dwellings as part of the R-3 PUD Residential Transition Area, or other permitted uses
7 with the following waivers:

8 (1) Subdivision Ordinance 26.23.130 (a), Block length for blocks 8 and 9 only
9 if developed as multi family.

10 (2) Subdivision Ordinance 26.23.140(c), Lot lines being radial and
11 perpendicular to street right of way.

12 (3) Zoning Ordinance Table 27.72.020(a), Residential Area:

13 a. Lots 1-7, Block 12 & Lots 1-20, Block 2:

- 14 i) Lot area minimum reduced to 3,200 square feet
- 15 ii) Lot width minimum reduced to 40 feet
- 16 iii) Front yard setback reduced to 10 feet
- 17 iv) Corner Lots: Front yard setback reduced to 10 feet one
18 side with other street side reduced to 10 feet with no
19 garages permitted to face either street
- 20 v) Side yard reduced to 5 feet
- 21 vi) Rear yard reduced to 8 feet

22 b. Lots 1-8, Block 13

- 23 i) Lot area minimum reduced to 1,600 square feet
- 24 ii) Lot width minimum reduced to 20 feet
- 25 iii) Front yard setback reduced to 10 feet
- 26 iv) Corner Lots: Front yard setback reduced to 10 feet with
27 other street side reduced to 10 feet with no garages
28 permitted to face either street

1 v) Side yard reduced to 5 feet with common wall of 0'

2 vi) Rear yard reduced to 8 feet

3 (4) 27.72.030((b), Residential Transition:

4 a. Lot 1, Block 1:

5 i) Building footprint floor area increased up to 10,000 square
6 feet

7 ii) Maximum building height increased up to 35 feet

8 (5) Zoning Ordinance Table 27.72.020(b), Multifamily Area:

9 i) Building height increased to 50 feet

10 ii) Rear yard setback reduced to 10 feet if adjacent to an
11 outlot designated as open space

12 (6) Design Standards, Chapter 2.15, and by reference the Lincoln Standard
13 Plans (LSP 640), to reduce the width of roadway sections at drainage crossings subject to slope
14 no less than at 4:1.

15 2. The Developer signs an amended annexation agreement before the City Council
16 approves the change of zone.

17 3. The City Council approves associated request: Comprehensive Plan Amendment
18 17007.

19 4. Before receiving building permits or before a final plat is approved:

20 a. The Permittee shall cause to be prepared and submitted to the Planning
21 Department a revised and reproducible final plot plan including **4** copies with all required
22 revisions and documents as listed below.

23 i. Sheet 1 of 22: Delete 2. under Requested Waivers.

24 ii. Sheet 1 of 22: Remove blocks 4, 5, 6, and 7 from under
25 Requested Waivers 1. And add "only if developed as multifamily"
26 after 8 and 9.

27 iii. Sheet 1 of 22: Delete 3 under Requested Waivers.

28 iv. Sheet 1 of 22: Modify 5. under Requested Waivers by changing
29 Lots 1-14 to Lots 1-20 under a.

- 1 v. Sheet 1 of 22: Modify 5. under Requested Waivers by changing
2 Street Side Yard to Corner Lots: Front yard of 10 feet on one side
3 with 10 feet on other street side with no garages permitted to face
4 the street for both a. and b.
- 5 vi. Sheet 1 of 22: Modify 9. under Requested Waivers by deleting
6 reference to number of stories for building height.
- 7 vii. Sheet 1 of 22: Density note under Block, Lot, Use, and Units table
8 shall reference Chapter 3.35 of the Design Standards.
- 9 viii. Sheet 1 of 22: Delete notes under General Site Notes which are
10 not necessary including 6, 8, 9, 10, 13, 14, 17.
- 11 ix. Sheet 1 of 22: Revise notes under Planned Unit Development
12 Notes for 6.B and 6.C to the following:
- 13 1) The regulations of the "R-5" Zoning District apply to Blocks
14 7, 8, and 9, except all permitted, conditional, and special
15 uses (except broadcast towers, personal wireless services
16 facilities, utility and cable television purposes and solar
17 energy conversion system) per the "R-5" Zoning District
18 are allowed as permitted uses, and except as adjusted by
19 the P.U.D as noted in the requested waivers.
- 20 2) The regulations of the "R-3" Zoning District apply to Blocks
21 2-6 and 10-15, except townhouses and multi-family use
22 where each dwelling unit is on its own lot are allowed as
23 permitted uses, and except as adjusted by this P.U.D. as
24 noted in the requested waivers.
- 25 x. Sheet 1 of 22: Revise notes under Planned Unit Development
26 Notes for 6.D to the following:
- 27 1) The regulations of the "R-T" District apply to Block 1,
28 except early childhood care facilities, multi-family use
29 where each dwelling unit is on its own lot, residential health
30 care facilities and non-residential health care facilities are
31 allowed as permitted uses, and except as adjusted by the
32 P.U.D. as noted in the requested waivers.
- 33 xi. Sheet 1 of 22: Delete notes under Planned Unit Development
34 Notes which are not necessary including 4, 5, and 9.
- 35 xii. Sheet 1 of 22: Add text under Planned Unit Development Note 12
36 to state: The developer shall construct improvements to Van Dorn
37 Street and 98th Street per the Annexation Agreement for Van Dorn
38 Street Coalition, as amended.
- 39 xiii. Sheet 1 of 22: Amend note for Multifamily Area under Requested
40 Waivers to define a rear yard setback of 20 feet if not adjacent to
41 an outlot designated as green space.

- 1 xiv. Sheet 1 of 22: Amend note 13 under Planned Unit Development
2 to state: The Stevens Creek trunk sewer and sub basin sewer E3
3 have proposed completion dates of June 2019. Both sanitary
4 sewers are necessary to serve the Wandering Creek PUD area.
5 Building permits shall be allowed prior to the trunk sewer being
6 provided by the City of Lincoln, as long as streets, street signs,
7 and water mains are completed, provided both sanitary sewer
8 project completion dates are within 6 months of expected
9 occupancy. The developer shall be responsible for any temporary
10 pumping of sewage until connection to the trunk sewer is
11 completed.
- 12 xv. Sheet 1 of 22: Blocks 12 and 13 south of Butterfly Stream Road:
13 This is all one block. Revise plan sheet accordingly.
- 14 xvi. Change Resort Drive, the north-south street from Badger Stream
15 Road to Van Dorn Street, to a numbered street.
- 16 xvii. Change Resort Drive from Badger Stream Road to Falls Branch
17 Road to a different street name.
- 18 xviii. Rename Falls Branch Road and Little Cedar Creek Road to a
19 different name not similar to other existing street names in Lincoln.
- 20 xix. Sheet 2 of 22: Identify the sidewalk shown in Block 2 near
21 Rattlesnake Creek Road as either public or private. If public, said
22 sidewalk shall be in addition to the sidewalk in the street public
23 right of ways and public access easement provided.
- 24 xx. Sheet 2 of 22: Provide block length for all blocks. If Block 10 is
25 over 1,320 feet then extend S. 90th Street to Resort Drive. If less
26 than 1,320 feet then extend a pedestrian easement from end of S.
27 90th Street straight to Resort Drive.
- 28 xxi. Sheet 2 of 22: Remove street lines located in the middle of the
29 traffic circle island at Big Timber Creek Road and South 91st Street
30 intersection.
- 31 xxii. Sheet 2 of 22: Remove street lines located in the middle of the
32 traffic circle island at Big Timber Creek Road and South Street.
- 33 xxiii. Sheet 2 of 22: Remove the note that Right of Way shall be
34 Reserved if City of Lincoln Designs Roundabout at Intersection
35 and show the right of way for the roundabout design for both Van
36 Dorn Street at Resort Drive and Van Dorn Street at South 91st
37 Street roundabouts. Add note that the roundabout at 91st and Van
38 Dorn Street will be built in the first phase.
- 39 xxiv. Sheet 2 of 22: Show trail connection and right of way width for
40 connection of trail through Resort Drive to Van Dorn Street.

- 1 xxv. Sheet 3 of 22: Building shown in right of way of Rattlesnake Creek
2 Road partly on Lot 13 of Block 3 will need to either be removed or
3 relocated.
- 4 xxvi. Sheet 3 of 22: Provide lowest floor elevations for Block 24, Lots 5-
5 12, Block 25, Lot 1, Block 5, Lots 6 and 7, and Block 20, Lots 1
6 and 2.
- 7 xxvii. Change Redbird Creek Road to a numbered street.
- 8 xxviii. Submit corrections to the satisfaction of Public Works –Watershed
9 Management, as per the attached comments.
- 10 xxix. Add exhibit showing the profile for the reduced width stream
11 crossing and the exact length of the reduction at each crossing to
12 the satisfaction of the Public Works & Utilities Department.
- 13 xxx. Show conceptual layout on land to the west.
- 14 xxxi. Label the flood plain, conservation easement and minimum flood
15 corridor on all pages.

16 b. The Permittee shall provide verification from the Register of Deeds that
17 the letter of acceptance of the planned unit development has been recorded with the Register of
18 Deeds.

19 5. Before issuance of building permits, final plat(s) shall be approved by the City.

20 6. If any final plat on all or a portion of the approved planned unit development is
21 submitted five (5) years or more after the approval of the planned unit development, the city
22 may require that a new planned unit development be submitted, pursuant to all the provisions of
23 section 26.31.015. A new planned unit development may be required if the subdivision
24 ordinance, the design standards, or the required improvements have been amended by the city;
25 and, as a result, the planned unit development as originally approved does not comply with the
26 amended rules and regulations.

27 7. Necessary right-of-way for extending streets through the panhandle property
28 must be obtained prior to any final plat for lots on streets bisected by the panhandle.

29 8. Before the approval of a final plat, the public streets, private roadway
30 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,

1 land preparation and grading, sediment and erosions control measures, storm water
2 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
3 street trees, temporary turnaround and barricades, and street name signs must be completed or
4 provisions (bond, escrow, or security agreement) to guarantee completion must be approved by
5 the City Law Department. The improvements must be completed in conformance with adopted
6 design standards and within the time period specified in the Land Subdivision Ordinance. A
7 cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished
8 for sidewalks and street trees along major streets that have not been improved to an urban
9 cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement
10 may be furnished for street trees on a final plat with 10 or fewer lots.

11 9. Before a final plat may be approved, Permittee agrees that Permittee, as the
12 subdivider, must enter into an agreement with the City whereby Permittee agrees:

- 13 i. to complete the street paving of public streets, and temporary
14 turnarounds and barricades located at the temporary dead-end of the
15 streets shown on the final plat within two (2) years following the approval
16 of the final plat.
- 17 ii. to complete the paving of private roadway, and temporary turnarounds
18 and barricades located at the temporary dead-end of the private
19 roadways shown on the final plat within two (2) years following the
20 approval of this final plat.
- 21 iii. to complete the installation of sidewalks along both sides of the streets
22 (private roadways) and along the (direction and name of street) as shown
23 on the final plat within four (4) years following the approval of the final
24 plat.
- 25 iv. to complete the installation of sidewalks along (name the improved major
26 street) as shown on the final plat within two (2) years following the
27 approval of this final plat.
- 28 v. to construct the sidewalk in the pedestrian way easements at the same
29 time as adjoining streets are paved and to agree that no building permit
30 shall be issued for construction until such time as the sidewalk in the
31 pedestrian way easement is constructed.
- 32 vi. to complete the public water distribution system to serve this plat within
33 two (2) years following the approval of the final plat.

- 1 vii. to complete the public wastewater collection system to serve this plat
2 within two (2) years following the approval of the final plat.
- 3 viii. to complete the enclosed public drainage facilities shown on the approved
4 drainage study to serve this plat within two (2) years following the
5 approval of the final plat.
- 6 ix. to complete the enclosed private drainage facilities shown on the
7 approved drainage study to serve this plat within two (2) years following
8 the approval of the final plat.
- 9 x. to complete land preparation including storm water detention/retention
10 facilities and open drainageway improvements to serve this plat prior to
11 the installation of utilities and improvements but not more than two (2)
12 years following the approval of the final plat
- 13 xi. to complete the installation of public street lights along streets within this
14 plat within two (2) years following the approval of the final plat.
- 15 xii. to complete the installation of private street lights along private roadways
16 within this plat within two (2) years following the approval of the final plat.
- 17 xiii. to complete the planting of the street trees along streets/private roadways
18 within this plat within six (6) years following the approval of the final plat.
- 19 xiv. to complete the planting of street trees along (the (direction) side and
20 name of the improved major street) as shown on the final plat within two
21 (2) years following the approval of this final plat.
- 22 xv. to complete the planting of the landscape screen within this plat within
23 two (2) years following the approval of the final plat.
- 24 xvi. to complete the installation of the street name signs within two (2) years
25 following the approval of the final plat.
- 26 xvii. to complete the installation of the permanent markers prior to construction
27 on or conveyance of any lot in the plat.
- 28 xviii. to timely complete any other public or private improvement or facility
29 required by the Land Subdivision Ordinance which inadvertently may
30 have been omitted from the above list of required improvements.
- 31 xix. to submit to the Director of Public Works a plan showing proposed
32 measures to control sedimentation and erosion and the proposed method
33 to temporarily stabilize all graded land for approval.
- 34 xx. to comply with the provisions of the Land Preparation and Grading
35 requirements of the Land Subdivision Ordinance.
- 36 xxi. to complete the public and private improvements shown on the Planned
37 Unit Development.

- 1 xxii. to keep taxes and special assessments on the outlots from becoming
2 delinquent.
- 3 xxiii. to maintain the outlots on a permanent and continuous basis.
- 4 xxiv. to maintain the private improvements in good order and condition and
5 state of repair, including the routine and reasonable preventative
6 maintenance of the private improvements, on a permanent and
7 continuous basis.
- 8 xxv. to maintain the plants in the medians and islands, including replacement
9 and replanting as reasonably necessary, on a permanent and continuous
10 basis.
- 11 xxvi. to maintain the street trees along the private roadways and landscape
12 screens, including replacement and replanting as reasonably necessary,
13 on a permanent and continuous basis.
- 14 xxvii. to maintain the sidewalks in the pedestrian way easements in good order
15 and condition, including repair and replacement as reasonably necessary,
16 on a permanent and continuous basis.
- 17 xxviii. to maintain the private facilities which have common use or benefit in
18 good order and condition and state of repair, including the routine and
19 reasonable preventive maintenance of the private improvements, on a
20 permanent and continuous basis.
- 21 xxix. to recognize that there may be additional maintenance issues or costs
22 associated with the proper functioning of storm water detention/retention
23 facilities as they were designed and constructed within the development
24 and that these additional maintenance issues or costs are the
25 responsibility of the developer.
- 26 xxx. to retain ownership of and the right of entry to the outlots in order to
27 perform the above-described maintenance of the outlots and private
28 improvements on a permanent and continuous basis. However,
29 Developer(s) may be relieved and discharged of such maintenance
30 obligations upon creating in writing a permanent and continuous
31 association of property owners who would be responsible for said
32 permanent and continuous maintenance subject to the following
33 conditions:
- 34 (1) Developer shall not be relieved of Developer's maintenance
35 obligation for each specific private improvement until a registered
36 professional engineer or nurseryman who supervised the
37 installation of said private improvement has certified to the City
38 that the improvement has been installed in accordance with
39 approved plans.
- 40 (2) The maintenance agreements are incorporated into covenants
41 and restrictions in deeds to the subdivided property and the
42 documents creating the association and the restrictive covenants

1 have been reviewed and approved by the City Attorney and filed
2 of record with the Register of Deeds.

3 xxxi. to inform all purchasers and users of land located within the 100
4 year floodplain and that the grading of the lots and outlots within
5 the 100 year floodplain shall be in conformance with the grading
6 plan approved with the Wandering Creek R-3 PUD change of
7 zone #17030 or as amended by the Director of Planning. The
8 volume of fill material brought into each lot and outlot from outside
9 the floodplain shall not exceed that shown on the approved
10 grading plan accompanying the PUD.

11 10. Before occupying the dwelling units/buildings, all development and construction
12 shall substantially comply with the approved plans.

13 11. All privately-owned improvements shall be permanently maintained by the
14 Permittee or an appropriately established owners association approved by the City Attorney.

15 12. The physical location of all setbacks and yards, buildings, parking and circulation
16 elements, and similar matters must be in substantial compliance with the location of said items
17 as shown on the approved site plan.

18 13. The terms, conditions, and requirements of the ordinance shall run with the land
19 and be binding upon the permittee, its successors, and assigns.

20 14. The Permittee shall sign and return the letter of acceptance to the City Clerk.
21 This step should be completed within 60 days following the approval of the Ordinance. The City
22 Clerk shall file a copy of this Ordinance and the letter of acceptance with the Register of Deeds,
23 filing fees therefore to be paid in advance by the Permittee. Building permits will not be issued
24 unless the letter of acceptance has been filed.

25 Section 3. This ordinance shall be published, within fifteen days after the passage
26 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted
27 on the official bulletin board of the City, located on the wall across from the City Clerk's office at
28 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
29 passage and such posting to be given by publication one time in the official newspaper by the
30 City Clerk. This ordinance shall take effect and be in force from and after its passage and

1 publication or after its posting and notice of such posting given by publication as herein and in
2 the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2018:

Mayor