

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 18013:)
TEXT AMENDMENT TO THE LANCASTER)
COUNTY LAND SUBDIVISION RESOLUTION,)
TO CLARIFY MINOR DISCREPANCIES,) RESOLUTION NO. R-18-0079
DELETE OUTDATED REFERENCES TO)
OTHER CODES AND UPDATE THE)
REQUIREMENTS FOR WATER WELLS, AS)
PROVIDED IN ATTACHMENT A)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114, the Lancaster County Board of Commissioners (“Board”) is authorized to make amendments to the Lancaster County Land Subdivision Resolution, which are consistent with the County’s Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission (“Planning Commission”);

WHEREAS, the Lincoln-Lancaster County Planning Department (“Department”) has requested a text amendment to the Lancaster County Land Subdivision Resolution by amending various sections to clarify minor discrepancies, delete outdated references to other codes and update requirements for water wells, as provided in Attachment “A,” attached hereto and incorporated by this reference;

WHEREAS, the Department has recommended approval of this amendment concluding that the current Lancaster County Subdivision Resolution is in need of minor updates. This amendment is a result of looking at the entire text and making additions and amendments where necessary. The proposed changes should make the regulations easier to understand and implement;

WHEREAS, on October 24, 2018, after public hearing, the Planning Commission voted 8-0 to recommend approval of said text amendment;

WHEREAS, on November __, 2018, the Board conducted a public hearing regarding said text amendment;

WHEREAS, on November __, 2018, the Board during a public meeting voted to _____ the proposed text amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the amendments to the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby _____.

DATED this ____ day of _____, 2018, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
_____, 2018.

Deputy County Attorney
for PAT CONDON
County Attorney

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 - 1. Survey and mathematical information
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 - 5. Areas to be dedicated or reserved for public use
 - 6. Easements
 - 7. Location and identification of section corners
 - 8. Number of acres

b. The following information shall be shown on each sheet of the final plat:

- 1. Name
- 2. Scale
- 3. North arrow
- 4. Sheet number
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- a. Statement from subdivider
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CHAPTER 1

TITLE AND PURPOSE

Sec. 1.01. NAME AND CITATION OF RESOLUTION. This resolution shall be known, referred to and cited as "The Land Subdivision Resolution" of the County of Lancaster, State of Nebraska.

Sec. 1.02. PURPOSE. This resolution is to provide for the harmonious development of Lancaster County, except those areas under the jurisdiction of any city or village; for the coordination of streets, roads or highways within subdivisions with other existing or planned streets, roads or highways or with other features of the Comprehensive Plan of Lancaster County; for adequate open spaces, for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity.

CHAPTER 2

DEFINITIONS

Sec. 2.01. DEFINITIONS -- GENERALLY. For the purpose of this resolution, certain words, phrases and terms shall be construed as set out in this paragraph.

Sec. 2.02. ALLEY. Alley shall mean a public way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

Sec. 2.03. BOARD. Board shall mean the Board of County Commissioners of ~~the County of~~ Lancaster County, Nebraska.

Sec. 2.04. COMMISSION. Commission shall mean the Lincoln City - Lancaster County Planning Commission.

Sec. 2.05. COMMUNITY WASTEWATER SYSTEM. Community wastewater system means any system, whether publicly or privately owned, serving two or more lots, for the collection and treatment of wastewater or industrial wastes of a liquid nature, including various devices for the treatment of such wastewater or industrial wastes.

Sec. 2.06. COMMUNITY WATER SYSTEM. Community water system means any system, including various devices to supply the water, whether publicly or privately owned, serving two or more lots, supplying an adequate amount of potable water to the occupant of the lot or lots.

Sec. 2.07. COMPREHENSIVE PLAN. Comprehensive Plan shall be the general plan for the improvement and development of the County outside the jurisdiction of any city or village as provided by Section 23-174.05 Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of the Board of County Commissioners of the County of Lancaster, Nebraska.

Sec. 2.08. CORNER LOT. Corner lot means a lot which has frontage on two intersecting streets or roads.

Sec. 2.09. COUNTY. County shall mean ~~the County of~~ Lancaster County.

Sec. 2.10. COUNTY CLERK. County Clerk shall mean the County Clerk of ~~the County of~~ Lancaster County.

Sec. 2.11. COUNTY ENGINEER. County Engineer shall mean the County Engineer of ~~the county of~~ Lancaster County.

Sec. 2.12. CUL-DE-SAC. Cul-de-sac means a local street or road which terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

Sec. 2.13. DOUBLE FRONTAGE LOT. Double frontage lot means a lot which has a frontage or two (2) nonintersecting streets or roads.

Sec. 2.14. FLOOD INSURANCE STUDY. Flood Insurance study (FIS) shall mean the Flood Insurance Study for Lancaster County, Nebraska and Incorporated Areas published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM. (Resolution R-01-75, August 21, 2001)

Sec. 2.15. FLOOD PLAIN. Flood plain shall mean those lands within the zoning jurisdiction of the County of Lancaster which are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this title shall be based on the official Flood Insurance Rate Map or Flood Boundary and Floodway Map issued by the Federal Emergency Management Agency, Federal Insurance Administration and any revision thereto. Copies of the said maps shall be on file in the office of the County Clerk.

Sec. 2.16. FLOODPRONE AREA. Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster County or other government agency, or other acceptable source as approved by the County where this is the best available information. (Resolution No. R-09-0071, September 15, 2009)

Sec. 2.17. FRONTAGE. Frontage means that portion of a parcel of property which abuts on a public street or road-; **provided, however, that the end of a temporary dead-end street shall not be considered frontage.**

Sec. 2.18. HEALTH DEPARTMENT. Health department shall mean the Lincoln-Lancaster County Health Department.

Sec 2.19. INDIVIDUAL WASTEWATER SYSTEM. Individual wastewater system means a wastewater system, other than a public or community system, which receives either human excreta or liquid waste, or both, from no more than one lot. Included within the scope of this definition are wastewater stabilization ponds, septic tank soil-absorption systems, chemical-type systems, and such other types of systems as may be similar to those specified herein.

Sec. 2.20. INDIVIDUAL WATER WELL SYSTEM. Individual water well system means a water system, including various devices to supply the water, other than a public or community water system, which supplies adequate potable water to no more than one lot.

Sec. 2.21. LOT. Lot means: (a) A portion of real property containing at least the area required, at the time it was created by the zoning district in which it is or was located, abutting at least one public street, road, or private roadway, or

(b) a parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the Lancaster County Board recorded in the office of the Register of Deeds for Lancaster County, Nebraska.

Sec. 2.22. OUTLOT. A parcel of real property to be included in a final plat, having access to at least one public street or private roadway and reserved for future building or occupancy after replatting and subdivision, or reserved for agricultural uses, open space or common facilities. (July 30, 2013, Resolution No. R-13-0044)

Sec. 2.23. MAJOR HIGHWAY, STREET OR ROAD. Major highway, street or road is a highway, street or road shown on the Comprehensive Plan adopted by the Board.

Sec. 2.24. PLANNING DIRECTOR. Planning Director shall mean the administrative head of the Planning Department as provided by Section 23.174.04 Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of the Board of County Commissioners of ~~the County of~~ Lancaster County, Nebraska.

Sec. 2.25. SUBDIVISION. Subdivision shall mean the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of ownership of building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ten (10) acres.

Sec. 2.26. TEMPORARY DEAD-END STREET OR ROAD. Temporary dead-end street or road shall mean a street which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land.

Sec. 2.27. TEMPORARY TURNAROUND. Temporary turnaround shall mean a surfaced area for the turning of vehicles at the end of a temporary dead-end street or road.

CHAPTER 3

PROCEDURE

Sec. 3.01. SUBDIVISION, WHEN REQUIRED.

- (a)** It shall be unlawful for the owner, agent or person having control of any land within the subdivision, jurisdiction of ~~the County of~~ Lancaster County, to subdivide land, except in accordance with Section 23-174.03 Reissue Revised Statutes of Nebraska 1943, and the provisions of this resolution, provided however, that any subdivision of land caused by the acquisition of land by the Federal Government, State of Nebraska, *any natural resource district, any county, city, or village, within the jurisdiction of the County, shall be deemed to have received approval, ~~as required by Neb. Rev. Stat. 23-184.03 (Cum. Supp. 1980).~~ This proviso shall apply to all such subdivisions occurring both before and after the effective date of this section. (August 5, 1986, Resolution No. 4214)
- (b)** The conveyance or portions of abandoned railroad right-of-way by a railroad or a subsequent owner of such right-of-way to abutting property owners shall not be required to comply with the otherwise applicable requirements of this title.
- (c)** The conveyance of portions of property that have been declared surplus by any governmental agency shall not be required to comply with the otherwise applicable requirements of this title. For purposes of this subsection, a governmental agency shall include the federal government, the State of Nebraska, any natural resources district or any county. Any such surplus property so conveyed may not thereafter be separately conveyed or devoted to a separate use without complying with all otherwise applicable requirements for lots within the zoning district in which such surplus property is situated.

Sec. 3.02. This section was eliminated with Resolution No. R-12-0059, July 24, 2012

Sec. 3.03. FILING PRELIMINARY PLAT. Except as provided in Section 3.12 (c) and 9.03 of this chapter, a preliminary plat shall be required under this Resolution. A person proposing to subdivide land shall file with the Planning Director copies of the preliminary plat prepared in accordance with the specifications of Chapter 7 herein. The Planning Director shall determine the number of copies to be filed. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.04. DEPARTMENT REPORTS ON PRELIMINARY PLAT. The Planning Director shall distribute copies of the preliminary plat and owner's statement and accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision. Reports shall be returned to the Planning Department within ~~30~~ 10 days.

Sec. 3.06. HEARING BY COMMISSION. Hearing on a preliminary plat shall be before the Commission, provided:

~~(a) that notice of the consideration of such plat and the time and place of hearing shall be given to all interested persons as hereinafter provided, and~~

~~(b) a report from the Planning Director, Health Department and the County Engineer has been received by the Commission.~~

Sec. 3.08. APPROVAL OF PRELIMINARY PLAT. If, upon hearing, the Commission shall find such proposed plat to satisfy the requirements of this resolution, it shall approve said plat. If, upon hearing, the Commission shall find that such proposed plat does not satisfy the requirements of this resolution, it shall specify in writing in the minutes of the hearing such

objections as are found to such plat and may recommend the disapproval of such proposed plat, or recommend approval conditioned upon specific changes in the proposed plat, and complying with this resolution. The Commission's findings shall be filed with the County Clerk within seven (7) days of the Commission's findings. Any interested person may appeal to the County Board any action of the Commission by filing notice of appeal with the County Clerk within ~~(7)~~ **fourteen 14** days following the ~~filing of such findings~~ **Commission's action**. One copy of the proposed plat and findings shall be retained by the Commission and one copy and findings given to the person offering the proposed plat. The approval of the preliminary plat shall not constitute authority for the subdivider to sell the individual lots. (Resolution R-07-0015, March 13, 2007)

Sec. 3.09. PRELIMINARY PLAT APPROVAL LIMITED. If any final plat on all or a portion of the approved preliminary plat is submitted five (5) years or more after the effective date of the preliminary plat, the Planning Director may require that a new preliminary plat be submitted, pursuant to all the provisions of the subdivision resolution. A new preliminary plat may be required if the Subdivision Resolution, the Design Standards, or the required improvements have been amended by the Board; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations. Any aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the County Board, by filing notice of appeal within fourteen (14) days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed with the County Clerk. (Resolution R-07-0015, March 13, 2007)

Sec. 3.10. AUTHORITY TO PROCEED WITH FINAL PLANS AND INSTALLATION OF IMPROVEMENTS. Receipt by the subdivider of the copy of the approved preliminary plat, together with the approval of the Commission or the approval of the Board, if appealed, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the appropriate agency pursuant to Chapter 5 - Minimum Improvements for examination. If, upon examination, the appropriate agency shall find such plans and specifications to be in accordance with applicable policies and standards, construction shall be authorized. All construction of streets, roads and public ways within the subdivision shall be inspected by a person approved by the County Engineer. The County Engineer shall be notified at the beginning and end of each phase of construction. Certificates shall be issued by the inspector for all phases of construction showing compliance or non-compliance with the standards herein and submitted to the County Engineer. All costs of inspections and surveying shall be the responsibility of the subdivider.

~~The subdivider shall (a) post a surety in the amount of 5% of the estimated construction costs of the streets and roads, and (b) agree to pay the cost to repair any and all failures of the streets and roads. These terms shall remain in effect for two years from the date of final plat approval.~~ (June 26, 1990; Resolution No. 4653)

Sec. 3.11. INSTALLATION OF IMPROVEMENTS. The owner of a tract may prepare and secure approval of a preliminary plat of an entire area and may install the required improvements only in a portion of such area, but all improvements except individual water well systems and individual wastewater systems must be installed in any portion of the area for which a final plat is approved for recording; provided, however, that the community wastewater system and community water system shall be designed and built to serve the entire area owned by the subdivider or designed and built in such a manner that each system can be easily expanded or

extended to serve the entire area.

Sec. 3.12. FILING FINAL PLAT. (a) If the preliminary plat is still in effect as set out in Section 3.09, a final plat in accordance with the approved preliminary plat may be filed. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in Chapter 4 herein. The subdivider shall file with the Planning Department the final plat and in addition thereto the number of copies required by the Planning Director, together with the following documents:

* (1) Prior to the approval of the final plat by the Planning Director, the subdivider shall provide a statement from the County Treasurer's Office showing that, according to their records, there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. The County shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either approval of or act as a waiver of the enforcement of all applicable statutes and resolutions with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. All taxes and special assessments must be paid in full on all real property dedicated in fee to a public use. (November 8, 2005, Resolution No. R-05-0142; Resolution #4852, March 31, 1992.)

(2) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said changes in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof

(3) ~~Whenever property is subdivided with the intention that it will have a use other than permitted by the district in which such property is located as designated on the then existing Lancaster County zoning district maps, such use shall be stated.~~ No final plat shall be approved unless or until it complies with the zoning resolution of the County.

(b) If the time period between the effective date of the approved preliminary plat and the date the final plat is submitted exceeds five (5) years and the required improvements have not been installed, the subdivider may, prior to preparing the final plat, request a written opinion from the Planning Director as to whether the conditions of approval and the approved preliminary plat are still in compliance with the subdivision resolution, design standards, and required improvements. The Planning Director shall submit to the subdivider a written response indicating whether the conditions of approval and the approved preliminary plat are still in compliance with the current subdivision resolution, design standards, and required improvements. If the preliminary plat is not in compliance, the Planning Director shall list the items of noncompliance and may require that a new preliminary plat be submitted by the subdivider pursuant to all of the provisions of the Subdivision Resolution.

(c) A subdivider may file a final plat without an approved preliminary plat and the Planning Director or his/her authorized representative may approve such a final plat under the following conditions:

(1) No highway, road or street is accepted or needed within the area of the new lots.

(Resolution #4852, March 31, 1992)

(2) No more than four (4) lots shall be created from any lot, tract or parcel of land. If the remaining outlot of any one parcel of land is ten (10) acres or less, it shall be considered one of the four (4) lots.

(3) Necessary easements for drainage, utilities and any other improvement required by this resolution shall be granted.

(4) All improvements required by this resolution shall be completed before the Planning Director approves the subdivision except individual water well systems and individual wastewater systems. ~~Then, the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.~~

(5) The subdivider shall submit such information as set forth in this resolution when specified by the Planning Director.

(6) The subdivision shall be in accordance with the Comprehensive Plan.

(7) The subdivision shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, and Subdivision with Flood Plain, Chapter 6, in this resolution.

(8) Where an individual water well system for each lot or a community water system is proposed, water quality and quantity tests, results and reports as required in Chapter 7 shall be submitted by the subdivider.

(9) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.

(10) Prior to the approval of the subdivision, the subdivider shall provide a statement from the County Treasurer's Office showing there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County 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 for public use.

(11) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said change in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof (Resolution R-12-0059, July 24, 2012)

Sec. 3.13. DEPARTMENT REPORTS ON FINAL PLAT.

(a) The Planning Director shall distribute copies of the final plat and other accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision.

(b) Each department or governmental agency which is directly concerned with the proposed subdivision shall, within ten days from receipt of a copy of the final plat, file with the Planning Director its approval of said plat or a report indicating in what manner such final plat does not conform to the requirements of this resolution and all other rules, regulations, and standards adopted pursuant to this resolution over which such department has administrative responsibility.

(c) Within ten (10) days from receipt of all of the above reports, the Planning Director shall notify the subdivider in writing of the recommended approval, conditional approval or

disapproval of the final plat based upon a review of the recommendations of the various departments and the Director's own review of the design of the subdivision. If the Director finds that the final plat should be conditionally approved, the notification shall set forth all conditions of approval. The Planning Director shall also furnish the subdivider a subdivision agreement to be executed by the subdivider and the County Board wherein the subdivider agrees to comply with all conditions of approval and further agrees to construct the required improvements as provided therein. (December 10, 2013, Resolution No. R-13-0070; November 8, 2005, Resolution No. R-05-0142)

Sec. 3.14. REQUISITES FOR FINAL PLAT APPROVAL. No final plat shall be approved by the Planning Director unless or until all the required minimum improvements as set out in the approval of the preliminary plat have been installed and constructed and such has been approved by the appropriate agency, except individual water well systems and individual wastewater systems. ~~In those subdivisions where an individual water well system and individual wastewater system is allowed the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.~~ (November 8, 2005, Resolution No. R-05-0142)

Sec. 3. 16. FINAL PLAT APPROVAL.

(a) When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, or when the final plat meets the requirements of Section 3.12 (c), certification to this effect shall be endorsed on the final plat by the Planning Director. (Resolution R-12-0059, July 24, 2012; November 8, 2005, Resolution No. R-05-0142)

(b) Any aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the County Board by filing notice of appeal within fourteen days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed with the County Clerk. If the Planning Commission approves a final plat and its action is not appealed to the County Board, the final plat shall be signed by the Chair of the Commission. If the County Board approves a final plat after the appeal of the denial of such a plat by the Commission, no further action shall be required by the Commission to approve such a plat. After approval thereof by the County Board, the plat shall be returned to the Planning Department for signing by the Chair of the Commission. Thereafter, such plat shall be processed in accordance with the procedures set forth in Section 3.17. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.17. FINAL PLAT FILED WITH REGISTER OF DEEDS. No plat shall be filed for record or recorded in the Office of the Register of Deeds of Lancaster County, and no lot shall be sold from such plat unless and until:

(a) Such final plat has been approved by the Planning Director, or in the event of an appeal, by the Planning Commission or County Board;

(b) Provision for the installation and construction of all required minimum improvements have been fulfilled;

(c) The subdivider has submitted to the Planning Director the recording fee. Thereafter, the approved final plat and a copy of the accepting resolution certified by the County Clerk, along with the subdivision agreement and any other required agreements and an analysis of the quality and quantity of underground water when individual water well systems are to be used shall be filed and recorded in the Office of the Register of Deeds of Lancaster County, Nebraska. Thereupon, such final plat shall be equivalent to and operate as a deed in fee simple to Lancaster County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and County use.

The Planning Director shall have the responsibility for transmitting to the Office of Register of Deeds the approved final plat, the subdivision agreement, any other required agreements and any other data that must be recorded. The planning Director shall ascertain the amount of the recording fees due to the Register of Deeds and notify the subdivider. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.18. SURVEY ERRORS. In the event that a survey error is found at any time after the filing of the final plat with the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the subdivider shall immediately proceed to cause the survey error to be corrected. Building permits on any or all the lots within the subdivision may be withheld and the County may take such action it deems appropriate to obtain the correction of the survey error. The subdivider shall submit to the Planning Director an Affidavit of Surveyor corrected final plat, and an explanation letter setting forth the corrections. The Planning Director shall transmit the corrected final plat and the letter of explanation to the County Engineer. The County Engineer shall review and return comments to the Planning Director. (November 8, 2005, Resolution No. R-05-0142; September 1, 2006, Resolution No. R-06-0071)

After the Planning Director has approved the Affidavit of Surveyor corrected final plat, the Planning Director shall then file the approved Affidavit of Surveyor corrected final plat in the Office of the Register of Deeds. The recording fee shall be paid in advance ~~by the subdivider and submitted to the Planning Director. The name of the corrected final plat shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall comply with this resolution and the conditions of the original plat as approved by the County.~~ (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.19. VACATION OF PLAT (VOIDING). The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat with the Planning Department. A notice to adjacent owners of record shall be mailed at least ten (10) days before the Planning Commission's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. After notification of the proposed action has been mailed to the owners of record within one mile of the boundary of the proposed vacation, the board may then set forth conditions it deems appropriate and approve the vacation. After the vacation is approved by the Board, the Planning Director shall then file the resolution approving the vacation in the Office of the Register of Deeds. Thereupon, the previous subdivision or plat shall be voided. The recording fee shall be paid in advance by the owner and submitted to the Planning Director. (November 13, 1990, Resolution No. 4690; September 5, 2003, Resolution No. 03-0091; September 1, 2006, Resolution No. R-06-0071)

Sec. 3.20. This section rescinded on December 10, 2013, Resolution No. R-13-0070,

Sec. 3.21. EXPIRATION OF APPLICATION.

All applications for a final plat ~~or administrative subdivision permit~~ shall automatically expire and become null and void one (1) year after submission of the application, if the applicant by said date has failed to satisfy all the conditions of approval set forth in the Planning Director's letter. All applications which are placed on pending before the Planning Commission or County Board at the request of the applicant shall automatically expire and become null and void one (1) year after the application was placed on pending.

At least thirty (30) days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the matter shall automatically terminate unless prior to the

expiration date the applicant has satisfied all the conditions of approval set forth in the Planning Director's letter or the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or County Board agenda as appropriate. (Resolution R-07-0015, March 13, 2007; Resolution R-08-0024, April 15, 2008; Resolution No. R-08-0094, November 4, 2008)

Sec. 3.22. AMENDMENTS TO THE TEXT.

The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution this resolution. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report. After the recommendations and report of the Commission has been filed, the County Board shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing as provided in section 9.05(a). (Resolution No. R-08-0094, November 4, 2008).

CHAPTER 4

DESIGN STANDARDS

Sec. 4.01. CONFORMITY TO THE COMPREHENSIVE PLAN. The subdivision shall conform to and be in harmony with the Comprehensive Plan.

Sec. 4.02. RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM.

(a) The arrangement of streets and roads in new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(b) Off-set streets and roads should be avoided.

(c) The angle of intersection between streets should not vary more than 10 degrees (10) from a right angle.

(d) Proposed street intersections shall be located on existing major streets and roads to provide stopping sight distance for 50 mph traffic on the existing major street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed. (June 26, 1990; Resolution No. 4653).

Sec. 4.03. STREET, ROAD AND OTHER RIGHT-OF-WAY. The location of major highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan.

The minimum right-of-way widths shall be as follows:

<u>Type</u>	<u>Right-of-Way Width</u>
State and Federal Highways	180 feet
Major roads and streets	100 feet
(Paved and potential paved streets and roads shown on future Street and Road Network Maps in the	

Comprehensive Plan.)	
Local roads and streets	60 feet
Cul-de-Sacs	60 foot radius
Alleys	20 feet

When streets and roads adjoin unsubdivided property, a half right-of-way at least thirty (30) feet in width may be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights-of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not have more than a potential of forty (40) dwelling units nor be longer than one thousand (1,000) feet.

In the case of AG Preservation subdivisions, a minimum of fifty (50) feet of right-of-way shall be dedicated along all abutting County section line and one half (1/2) section line roads. (Resolution R-12-0059, July 24, 2012) Alleys shall not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial lots. (June 26, 1990; Resolution No. 4653).

Sec. 4.04. EASEMENTS. Easements of at least five (5) feet in width shall be provided and dedicated on each side of rear lot lines and side lot lines, where necessary, and ten (10) feet along front lot lines where the lots would be better served from the front lot line, for poles, wires, conduits, storm drains, wastewater collectors, water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of mains, sewers, or other utilities. Power and communication easements shall be separate from other easements except at crossings.

Shared driveways for AG Preservation lots shall have a minimum of sixty (60) foot wide public access, utility and maintenance easement as described in Section 4.15. (Resolution R-12-0059, July 24, 2012)

Sec. 4.05. EASEMENTS ALONG STREAMS. Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement as determined by the County Engineer along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage or parkway.

Sec. 4.06. SIDEWALKS. Portland concrete sidewalks shall be constructed in pedestrian ways and on both sides of all streets and roads including major streets only when necessary by reason of pedestrian traffic generated on adjacent land, the size of the subdivision, lot areas within the subdivision, or uses within the subdivision and only when the areas are zoned "R" Residential, "B" Business, and "I" Industrial, or are approved community unit plans.

The Board may approve alternate locations for sidewalks pursuant to the following criteria:

(a) The location of the alternate sidewalk must be predominantly parallel to the street where the standard sidewalk would have been required.

(b) The alternate sidewalk shall be connected at its extremities to the sidewalk located in the abutting street.

(c) Sidewalks shall be constructed to the limits of the subdivision in the abutting streets.

(d) The minimum length of the sidewalk allowed to be placed in the alternate location shall not be greater than six hundred sixty (660) feet.

(e) The distance between the alternate sidewalk location and the standard sidewalk location shall not be greater than fifteen percent (15%) of the total length of the alternate sidewalk.

(f) An easement permitting public use of the sidewalk and ensuring continual maintenance and availability to the public of the sidewalk shall be provided for all sidewalks approved at alternate locations and located outside of the public right-of-way.

Sec. 4.07. BLOCKS. No block shall be longer than thirteen hundred twenty (1,320) feet between cross streets **except where a major street, other man-made barrier, lake or other natural barrier forms one boundary of a block.** A cross walk with an easement five (5) feet in width shall be required where the block exceeds one thousand (1,000) feet in length and where needed for pedestrian traffic.

Sec. 4.08. LOTS.

(a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.

(b) All side lines of lots shall be at right angles to a straight street line on a radial line where curved streets exist, except where a variation of this rule will provide a better street and lot layout.

(c) No lot shall have an area or width less than that required by any zoning resolution except as permitted by an approved community unit plan or through an AG Preservation subdivision. However, subject to rules and regulations of the Health Department regarding the use of an individual wastewater systems, a larger lot area and lot width than required by zoning resolution may be required by the Board. (Resolution R-12-0059, July 24, 2012)

(d) ~~The minimum width of residential lots shall be fifty (50) feet at the building lines.~~ No lot shall have a depth in excess of three (3) times its width; however, any lot in the "B" or "I" zoning districts which has a minimum width of at least one hundred (100) feet may have a maximum depth of five (5) times its width. The Planning Director may waive this requirement for AG Preservation lots in order to accommodate a desirable lot arrangement and a shared driveway. (Resolution R-12-0059, July 24, 2012)

(e) The minimum depth for residential lots shall be ninety (90) feet, except lots abutting a major highway, street or road shall have a minimum depth of one hundred twenty (120) feet.

(f) Corner lots shall have an extra width sufficient to permit the establishment of front building lines on both the adjoining streets.

(g) Lots fronting on major highway, street, or road intersections and other acute angle intersections which are likely to be dangerous to traffic movement shall have a lot line radius of twenty (20) feet at the street corner. On business lots, a chord may be substituted for the circular arc.

(h) The residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with a double frontage; i.e., a lot fronting on two non-intersecting public streets and roads. However, in circumstances where the subdivision abuts a major highway, street, or road, double frontage lots shall be required when no frontage road exists adjacent to or abutting on the major highway, street, or road, and access from the lot is only to an interior street. Where double frontage lots are allowed, the subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot to the major highway, street, or road, and place covenants and restrictions upon the land to run with the land relinquishing said access as approved by the County Attorney.

(i) Every lot shall front upon and have access to a public street or road, except lots may front upon and take access to a private roadway if said lots are located within an approved community unit plan or upon the public access easement of a shared driveway if lots are part of an AG Preservation development. **Private roadways for residential lots; (i) shall be located in an outlot having a minimum width of sixty 60 feet, (ii) shall also be subject to a public access easement, (iii) are not encouraged where**

fewer than ten (10) dwelling units are proposed.

(Resolution R-12-0059, July 24, 2012)

(j) Residential lot arrangement shall be such that no lot accesses a major highway, street, or road, and shall only access an interior subdivision road, or shared driveway in the case of AG Preservation lots, except when creating a lot for a single family dwelling which has existed for five (5) years as a primary residence associated with a farm, which meets the minimum housing and health codes, and which has an approved access to the major highway, street, or road. (Resolution R-12-0059, July 24, 2012; June 26, 1990; Resolution No. 4653).

Sec. 4.09. STREET AND ROAD NAMES.

(a) Where they are continuations of existing streets, the existing street names shall be used.

(b) Proposed street names shall not duplicate or approximate phonetically the name of any existing street in Lancaster County and the City of Lincoln.

(c) Streets running predominantly straight north and south shall be numbered consecutively in sequence with adjacent streets, except upon approval of the Board.

Amended August 27, 1996

(d) North-south numbered streets east of First Street and north of "O" Street shall be preceded by the word "North", and those north-south streets south of "O" Street and east of First Street shall be preceded by the word "South". North-south numbered streets west of First Street and north of "O" Street shall be preceded by "N.W.", and those north-south streets south of "O" Street and west of First Street shall be preceded by "S.W."

(e) All streets running east-west shall be named or given a letter designation where applicable. All east-west streets west of First Street shall have their name preceded by the word "West".

(f) Diagonal or curvilinear streets shall be named.

(g) The names or designation of cul-de-sacs shall be given the suffix "Bay", "Circle", "Court" or "Place". (Res. 5365, 8-27-96)

Sec. 4.10. MAINTENANCE RESPONSIBILITY OF PRIVATE COMMON FACILITIES. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, or other physical facilities necessary or desirable for the welfare of the area and which the County does not desire to maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. All such maintenance agreements shall be incorporated in covenants and restrictions governing the subdivided property and shall be submitted to the County Attorney for approval prior to recordation with the Register of Deeds. Mowing and trimming of the seeded portion of the interior roads shall be the responsibility of the adjacent property owner. (June 26, 1990; Resolution No. 4653).

Sec. 4.11. PARKS, SCHOOL SITES, ETC. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use, so as to conform to any recommendations of the Comprehensive Plan.

Sec. 4.12. LAND GRADING. Earth moving shall be kept to a minimum to protect and preserve the existing trees and grasses and to keep erosion to a minimum. Graded and otherwise disturbed land shall be stabilized to prevent erosion. Trees that are to remain shall be protected to prevent damage to them during construction and development of the subdivision.

Sec. 4.13. DRAINAGE.

(a) The area to be subdivided shall be designed and laid out so as to provide proper and

sufficient drainage. The storm drain system shall adequately drain the subdivision and shall be constructed to allow the storm water to flow by gravity from the subdivision to an adequate outlet. Roadway drainage structures shall be designed for a minimum 10-year storm frequency for watersheds under 100 acres. For most watersheds over 100 acres, roadway drainage structures shall be designed for a minimum 25-year storm frequency. However, in isolated cases, the County Engineer may require that higher storm frequencies be used. In no case shall the design headwater elevation exceed the proposed shoulder elevation.

(b) Design discharges shall be computed using any of the following methods:

Rational Method
Potter Method
SCS Method

Drainage structures shall be sized using the procedures outlined in Hydraulic Engineering Circular No. 5.

c) The necessary permits shall be obtained for the construction of drainage structures, roadways or other improvements. A Corps of Engineer permit will generally be required for all structures draining 640 acres or more or for structures located in excess of one (1) mile from the headwaters of the watershed. Flood plain permits are required for any structure located in the flood plain. (June 26, 1990; Resolution No. 4653).

Sec. 4.14. STREET AND ROAD DESIGN.

(a) Streets and roads within the subdivision shall conform to the Nebraska Department of Transportation ~~State Board of Public Roads Classification Local Road RL-4~~ State highways and other highways, roads, or streets designated in the Comprehensive Plan shall have a typical cross section as determined by the Nebraska Department of ~~Roads~~ Transportation or the County Engineer.

(b) Streets and roads within the subdivision shall have a vertical and horizontal alignment designed for a minimum speed of 25 miles per hour. The vertical and horizontal design shall conform to the current AASHTO standards at the time the subdivision is being proposed. The maximum grade shall be seven percent (7%) and the minimum grade shall be one-half percent (0.5%). (This section added by the Board of County Commissioners on June 26, 1990; Resolution No. 4653).

Section 4.15. DESIGN STANDARDS FOR AG PRESERVATION LOTS. The following alternative design standards may be applied to AG Preservation lots.

(a) AG Preservation lots shall take access off a single shared driveway. Shared driveways shall have a public access, utility and maintenance easement of not less than sixty (60) feet. This easement shall extend from the public right-of-way to the lot line of the outlot or adjoining lot, or run the full length of the AG Preservation lots to provide access should the property be further subdivided in the future.

1) In the case of AG preservation subdivisions, with frontage on more than one County section line of one half (1/2) section line road, a single access point on each road may be allowed when the frontage on that road meets the minimum requirement and a safe access point can be approved by the County Engineer.

(b) Shared driveways with public access easements may be part of the larger outlot or in a separate outlot.

(c) The access point for a shared driveway shall be approved by the County Engineer.

(d) The Director of Planning may waive the required lot depth of no more than three (3) times the width in cases where it would allow for a more favorable lot arrangement or shared

driveway for AG Preservation lots.

(e) An AG Preservation lot may be allowed to front upon a public access, utility and maintenance easement. The Director of Planning has the authority to reduce the frontage requirements for AG Preservation subdivisions; however, the frontage requirements shall not be reduced in the AG Preservation subdivision has sufficient frontage on a County section line or one half ($\frac{1}{2}$) section line road to meet the minimum requirement.1) AG Preservation subdivisions that create a single buildable lot from a twenty (20) acre parcel shall maintain the required minimum frontage.

(f) When an AG Preservation subdivision abuts a County section line or one half ($\frac{1}{2}$) section line roadway, a minimum of fifty (50) feet of right-of-way shall be dedicated along the length of that road abutting the subdivision. (Resolution R-12-0059, July 24, 2012)

CHAPTER 5

MINIMUM IMPROVEMENTS

Sec. 5.01. STREET AND ROAD IMPROVEMENTS. All streets, roads and public ways within the subdivision shall be graded to the standards described in Resolution No. 3039 or in Chapter 4 of these regulations and shall be surfaced as follows:

(a) When streets and roads are located within a platted area where the average lot size is one-half (1/2) acres or less, or where there are two or more dwelling units per acre, such roads shall be constructed in accordance with the City of Lincoln standards and regulations for residential streets and shall include curb and gutter.

(b) When streets and roads are located within a platted area where the average lot size is less than 3.0 acres, but more than one-half (1/2) acre, such roads shall be hard surfaced with a type of material and thickness as specified by the Lancaster County Engineering Department. However, where additional traffic is anticipated, the County Engineer may specify other surfacing and an increase in thickness. (Resolution #R-05-0037; March 29, 2005; Resolution #R-01-5; January 30, 2001)

(c) Streets and roads located in platted areas which are not included in (a) or (b) above shall be surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel. The crushed rock and the gravel shall conform to ~~Section 1033 of the State of~~ Nebraska Department of **Roads Transportation** Standard Specifications for Highway Construction (1997 - English Units). (Resolution #R-01-5; January 30, 2001)

Construction procedures for streets and roads shall conform to ~~subsections 204.01, 204.02 and 204.03 for Class III embankments of the State of~~ Nebraska Department of **Roads Transportation** Standard Specifications for Highway Construction (1997 - English Units). The required density shall be ninety-five percent (95%) for gravel surface and one hundred percent (100%) for paved surface of the maximum dry density, and required moisture content shall be between optimum and optimum plus two percent (2%). (Resolution #R-01-5; January 30, 2001)

All construction shall be subject to inspection and approval by the County Engineer. (June 26, 1990; Resolution No. 4653).

Sec. 5.02. SIDEWALKS. When required by the Board, Portland concrete sidewalks four (4) inches thick and four (4) feet wide shall be constructed on both sides of all highways, roads, or streets within or adjacent to the subdivision. Sidewalks not within a highway, road, street, or pedestrian way easement may be constructed of other material with the Board's approval. All construction shall be subject to inspection and approval by the County Engineer.

Sec. 5.03. WATER SUPPLY. (a) Where a public water supply approved by the County is reasonably available, each lot within the subdivision area shall be provided with a connection to such water supply. Fire hydrants may be required to be installed in such subdivisions.

(b) In all other subdivisions individual water well systems or a community water system shall be installed in such a manner that an adequate supply of potable water meeting the current standards of the Nebraska Department of Health ~~of the State of Nebraska and Human Services~~ for drinking purposes is available to every lot within the subdivision at the time improvements are erected thereon. All such individual water well systems shall be constructed in compliance with the rules and regulations of the Health Department. A community water system shall be constructed in accordance with the rules and regulations for community water supply systems of the State of Nebraska. The Health Department shall review the plans to verify the proposal complies with the rules and regulations.

c) In any subdivision where a community water system other than a rural water district is used, the subdivider, his/her successors and assigns, shall enter into an agreement with the Board whereby the operation and maintenance of the community water system shall be in compliance with the rules and regulations for public water supply systems of the State of Nebraska, a permit to operate the system has been received from the State of Nebraska, and the operator of the system possesses a certificate of competency issued by the State of Nebraska.

Sec. 5.04. WASTEWATER DISPOSAL. (a) All lots in the subdivision shall connect to the public wastewater collection system if the system is reasonably accessible. Each lot not having reasonable access to the public wastewater collection system and a community wastewater treatment facility complying with the rules and regulations of the Health Department and the State of Nebraska, or an individual wastewater system complying with the rules and regulations of the Health Department shall be provided.

(b) In a subdivision where more than four (4) lots of less than three (3) acres in size ~~or less~~ are created for building purposes, a community wastewater collection system shall be required to serve all the lots within the subdivision. Connection from such a system shall be made to a community wastewater treatment facility. All community wastewater systems shall comply with the rules and regulations of wastewater treatment works of the State of Nebraska. The plans of such system shall be reviewed by the Health Department to verify that the proposal complies with the rules and regulations.

c) Where the lot area is adequate, an individual wastewater system may be permitted if each disposal system is in conformance with Resolution No. 2832 or as amended and is approved by the City-Council Health Department and is not in conflict with the above subsection (b).

(d) In any subdivision where a community wastewater system is required, the subdivider, his/her successors and assigns, shall enter into an agreement with the Board whereby the operation and maintenance of the community wastewater system shall be in compliance with the rules and land regulations of wastewater treatment works of the State of Nebraska, a discharge permit has been received from the State of Nebraska, and the operator of the system has been trained to operate the system and possesses a certificate of competency issued by the State of Nebraska.

Sec. 5.05. DRAINAGE. Storm drain pipes, culverts, ditch liners and other drainage facilities shall be installed as per the approved drainage study. The minimum size for a driveway culvert pipe shall be eighteen (18) inches in diameter and twenty-four (24) feet in length. The minimum size for a street or road culvert pipe shall be twenty-four (24) inches in diameter and the length necessary to meet "embankment" and/or "skew" requirements. All pipe drainage structures shall be constructed of new corrugated metal conforming to ~~Section 719 and Section 724 of the State of Nebraska Department of Roads~~ Transportation Standard Specifications for Highway Construction (1997 - English Units), and shall have a minimum of one (1) foot of cover. All spiral corrugated metal pipe used for drainage shall have annular corrugations at each end of the pipe section, and manufactured with a continuously welded seam. Such construction shall be subject to inspection and approval of the County Engineer. (June 26, 1990; Resolution No. 4653).(Resolution #R-01-5; January 30, 2001)

Sec. 5.06. LAND PREPARATION AND GRADING. Any cut, fill, and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished to control erosion and sedimentation during and after land preparation. The subdivider, his/her successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs, and grasses that must be removed by construction, installing required sediment basins and diversion dikes before disturbing the land that drains into them, and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other

approved methods. As land preparation is completed, the subdivider, his/her successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine (9) months after completion of the sediment basins and shall be permanently maintained by the subdivider or his/her successors and assigns. The land shall be graded and shaped as per the approved grading plan. Grading and erosion control shall be subject to inspection and approval of the County Engineer.

Sec. 5.07. TEMPORARY TURNAROUND AND BARRICADES. A thirty (30) foot radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and roads which extend more than one hundred fifty (150) feet beyond the nearest intersection with another street, road, or private roadway. In addition, a permanent barricade shall be erected, as outlined in the Manual on Uniform Traffic Control Devices (1988 Edition), paragraph 6C-8. The temporary turnaround and barricade shall be removed when the temporary dead-end street or road is extended therefrom. **Proper design drainage and grading shall extend around all temporary turn-around cul-de-sacs and must remain in place until temporary dead-end streets are extended.** (June 26, 1990; Resolution No. 4653). (Resolution #R-01-5; January 30, 2001)

Sec. 5.08. STREET NAME AND TRAFFIC CONTROL SIGNS. The design, location and installation of all street signs designating the name of streets, roads, private roadways, and traffic control signs shall be approved by the County Engineer.

Sec. 5.09. SEEDING AND EROSION CONTROL. All streets, roads, and public ways within the subdivision shall be seeded and shall conform to the requirements of ~~Subsections 803, 804 and 805 of the State of~~ Nebraska Department of Roads Transportation Standard Specifications for Highway Construction (1997 - English Units). Graded and other disturbed land shall be stabilized to prevent damage to them during construction. (This section added by the Board of County Commissioners on June 26, 1990; Resolution No. 4653). (Resolution #R-01-5; January 30, 2001)

CHAPTER 7

FORM OF PRELIMINARY PLAT

Sec. 7.01. INFORMATION ON A PRELIMINARY PLAT. The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all pertinent information required in this chapter. The proposed layout and design of all the features of the subdivision shall conform to this resolution and to the rules and regulations adopted by the Board.

The following required information shall be identified and shown on the preliminary plat:

(a) Name of the subdivision. The name of the subdivision shall not duplicate or approximate the name of an existing subdivision within Lancaster County unless the subdivision is adjacent to that existing subdivision and is an expansion thereof. The distinction shall be made by adding the suffix "First Addition" to the first duplication of the name, and then continuing in sequence.

(b) North arrow, scale of drawing, date prepared, the sheet number and total number of sheets included within each set of the preliminary plat submittal.

(c) Contour lines based on NAVD 1988 and at sufficient intervals, not to exceed five (5) feet, to duplicate adequately the existing and proposed topography and land form within and adjacent to the subdivision. The scaled distance between contour lines shall not exceed two hundred (200) feet. Notwithstanding the above, documents submitted before March 1, 2000, may be submitted in NAVD 1988 or in City datum or other datum as approved by the County Engineer. (Resolution No. R-3, December 30, 1999)

(d) Existing and proposed streets and private roadways within and adjacent thereto. This shall include the right-of-way and driving surface width, tangent length, the centerline radius of each curve and its interior angle, the angle of intersection with all other streets and private roadways, and the name or number of each.

Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part of the tract shall be furnished; and the street system of the part being platted shall be considered in connection with the proper projection of streets into the portion of the tract not being presently platted.

(e) The locations of the present property lines, section or township lines, the lines of incorporated areas, and subdivision jurisdiction lines.

(f) All lot lines and their dimensions. The dimensions along curvilinear lines shall be noted as being either chord or arc length.

(g) Lot and block numbers and outlot letters with the total number of each. All lots shall be numbered in sequence beginning with the number one (1) and continuing consecutively through each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing through the alphabet. Areas, except streets, to be dedicated or reserved for public or private parks or other public areas shall be outlots.

(h) Areas for schools, parks, playgrounds, fire stations, and other common areas for public use, along with any requested consideration for such area.

(l) The proposed method of providing wastewater treatment to each lot:

(1) If a public or community wastewater collector system is proposed, the size, direction of flow, location of the wastewater collectors, manholes, necessary extensions of the system within or beyond the limits of the subdivision to connect to the existing public wastewater collector system or to the community wastewater treatment facility, and the location of the community wastewater treatment facility.

(2) If the use of individual wastewater systems is permitted, pursuant to this resolution, plans for the proposed wastewater system and its location on each lot. If a septic tank system is proposed, soil and percolation data and plans which show the

location of one main subsurface disposal field for each lot which is proposed to be served by a septic tank system.

(J) The proposed method of providing water supply to each lot:

(1) If a public or community water system or rural water district is proposed, the location and size of all water mains, hydrants, and necessary extensions of the system within or beyond the limits of the subdivision to connect to the existing water mains or to the community well.

(2) If a community water system other than rural water district is proposed, data on the quantity and quality of the water shall be obtained from a test well within the immediate vicinity of the proposed water supply well. ~~If an individual water well system for each lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio of one to each ten (10) acres on a grid system unless each lot area exceeds ten (10) acres, then one (1) test well per lot. The results of the tests shall be completed in accordance with procedures acceptable to the Health Department.~~

(3) If an individual water well system for each lot is proposed, the applicant shall provide information on the expected quantity and quality of the water in the proposed development for Lincoln-Lancaster County Health Department (LLCHD) review. The information shall include geological and hydrological data obtained from public records on wells located within a reasonable distance from the proposed development as well as data obtained from a test well or test wells located within the proposed development. The LLCHD may waive the test well requirement within the proposed development if satisfactory geological and hydrological information has been provided surrounding the proposed development.

~~The report shall describe the chemical quality of the water supply and the flow in gallons per minute. Included shall be information depths to water, pumping well performance records, the nature of water-bearing materials, the~~ Information shall include well logs; of test holes and an inventory of wells on contiguous land;⁵ ~~The report shall also include~~ a map or maps showing precise locations of the wells; data sites. Such report shall contain:

1) estimates of the demand for water by the proposed subdivision; 2) and an evaluation of the adequacy of the quantity and quality of water of the proposed community well or individual wells. The LLCHD may require additional water quality tests based on potential contamination known to be in the area. Acceptable quality shall mean water that may contain impurities or contaminants that can be treated, removed, or reduced to safe levels that meets the US EPA National Primary Drinking Water Regulations Maximum Contaminant Levels. The LLCHD shall make a recommendation to the Planning Commission or County Board to the Planning Commission or County Board based on this information. The results of these preliminary tests shall in no way be This recommendation shall not be construed to guarantee the quantity or quality of water to individual lots in the proposed subdivision. ~~and the data obtained from these tests shall not be used to imply that an adequate quantity or acceptable quality of water is available in the proposed subdivision.~~

(k) The location and size of all existing wastewater collectors and wastewater treatment facilities, storm drains, culverts, water mains and fire hydrants, power lines, cables, and other underground structures within or adjacent to the subdivisions. The location and size of the nearest water main and sewer or outlet, may be indicated in a general way upon the plat.

(l) The location, width, and purpose of all existing and proposed easements within or adjacent to the subdivision and all flowage easements.

(m) The location of all existing and proposed sidewalks, pedestrian ways, and bikeways with required easements and setbacks.

(n) The location of all existing structures and buildings within and adjacent to the subdivision, their existing and proposed use.

(o) A certified accurate boundary survey showing sufficient linear, angular and curve data to determine the bearing and length of all boundary lines of the subdivision, a legal description thereof, and the number of acres therein. (This survey shall be field measured and shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). This survey shall also locate and identify all section corners and section lines. Where the subdivision abuts on an existing plat or other surveyed tracts, the distances, angles, and bearing of any common lines shall be shown; and any differences along common lines of the original survey and the survey of this subdivision shall be noted.

(p) A certificate for the signature of the Chair of the Commission in a form approved by the Planning Director.

Sec. 7.02. INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT. The following required information shall be identified and shown on the preliminary plat or on accompanying sheets:

(a) Centerline profiles in NAVD 1988 of all existing and proposed streets and private roadways within and adjacent to the subdivision. The profile shall show points of intersection with all other streets and private roadways, stationing, the existing ground surface elevations, the proposed street grades, the length of vertical curves between changes in grade, and the profiles and horizontal alignment of temporary dead-end streets extending three hundred (300) feet beyond the limits of the subdivision. (Resolution No. R-3, December 30, 1999)

(b) A drainage study in NAVD 1988. When utilizing National Geodetic Vertical Datum 1929 (NGVD 1929) based flood elevations from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an established conversion program is demonstrated to the satisfaction of the County Engineer. The drainage study shall include the following: (Resolution No. R-3, December 30, 1999)

(1) A topographic map showing the drainage area and resulting runoff from all land lying outside the limits of the preliminary plat which discharges storm water runoff into or through the plat.

(2) A topographic map showing proposed contour lines and all subdrainage areas and resulting runoff within the limits of the preliminary plat.

(3) Directional flow arrows for surface drainage along all lot lines where:

i. The flow from one acre or more discharges along a common lot line; and

ii. The finished grade of the lot is proposed to be two percent (2%) or less.

The drainage study map shall provide sufficiently detailed information to determine the proposed slope along all lot lines.

(4) The size and location of the pipes, ditch liners, and other drainage facilities required to adequately drain the subdivision.

(5) A copy of the drainage computations.

c) The location, size, and common name of all existing trees within and adjacent to the subdivision. The location of the trees may be shown on an aerial photograph with the proposed streets and lots accurately shown thereon. All existing trees which measure three (3) inches or more in caliper five (5) feet above the ground shall be shown and each tree identified with its common name. However, if five (5) or more trees are located so that each is within approximately ten (10) feet of the edge of another tree, they may be considered a tree mass and the outline of the tree mass shall be shown, with a list of the common name of the trees which are within the tree mass and their general grouping. If this procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed.

(d) A vicinity sketch showing the general location of the preliminary plat in relation to existing streets and section lines.

(e) Notwithstanding (a) and (b) above, centerline profiles and drainage studies submitted before March 1, 20-00 may be submitted in NAVD 1988 or in City datum or other datum as approved by the County Engineer. (Resolution No. R-3, December 30, 1999)

(f) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines that complies with the CAD File Submittal Standards maintained by the Lancaster County Engineer. (Resolution No. R-18-0001, January 9, 2018)

Sec. 7.03. ADDITIONAL REQUIRED INFORMATION. Accompanying the preliminary plat submittal, the following information shall be submitted in a statement from the subdivider:

(a) Any interest the subdivider has in the land surrounding the preliminary plat and the nature of such interest.

(b) All requests to be submitted to the Board for special use permits, changes of zone, and vacations which are required to complete the development.

(c) The name, telephone number, and mailing address of the subdivider, any other person the subdivider may want informed of the preliminary plat process, and any person authorized to act on the subdivider's behalf.

(d) All deviations from this resolution and the adopted rules and regulations shall be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent, and why the proposal should be accepted.

(e) Whether or not the subdivider intends to request County maintenance of the roads within the subdivision following completion of the roads to the County's maintenance standards.

Sec. 7.04. DEVELOPMENT WITHIN FLOOD PLAIN. The following additional information shall be included with the preliminary plat if any part of the subdivision is within the flood plain:

(a) All hydrological and grade information in NAVD 1988 including base flood elevation data with Zone A (no base flood elevations determined), which is necessary to determine the frequency and extent that the subdivision is subject to inundation by flood water, except that this shall not apply where the use of the property is not being changed and where there are no physical changes on the site which have the potential to increase the flood hazard. When utilizing NGVD 1929 based flood elevations from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an established conversion program is demonstrated to the satisfaction of the County Engineer. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in NAVD 1988 or in City datum or other datum as approved by the County Engineer. (Resolution R-01-75, August 21, 2001)

(b) The type and extent of the proposed use or development of the land which is located within the flood plain, along with such information as is necessary to determine the effect flood waters will have on such development and use and the effect such development and use may have upon the flood waters. All such information shall show the location of the proposed use, areas of habitation and employment, including the location, size, and floor elevation of any structures, the location and elevation of all parking areas, and the use, location, and elevations of all open land areas.

(c) All plans and other information required herein shall conform to Chapter 6 of this resolution.

(d) The limits of the 100-year flood plain.

(e) The amount of fill material brought into the flood plain from outside the flood plain. If fill is from within the flood plain, give the location of the borrow area.

CHAPTER 8

FORM OF FINAL PLAT

Sec. 8.01. FINAL PLAT REQUIREMENTS.

The final plat shall comply with the subdivision design standards set out in Chapter 4 hereof, shall comply with the approved preliminary plat, and shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets, roads, alleys, public ways or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 8.02. FORM OF THE FINAL PLAT.

(a) The size of each sheet of said final plat shall be sixteen by twenty-two (16 X 22) inches, except that lien holder consent and subordination signature blocks and acknowledgement may be on separate 8 ½" by 11" sheets. All lots and, wherever practicable, blocks in their entirety, shall be shown on one sheet. (December 10, 2013, Resolution No. R-13-0070; Feb. 20, 2002, Resolution No. 02-23)

(b) Said final plat shall be accurately, clearly, and legibly drawn in black waterproof India ink or photographed upon tracing cloth or clear mylar which is a minimum of three thousandths (.003) of an inch thick, 24 lb. white paper, or its equivalent. Affidavits, certificates, and acknowledgements shall be legibly lettered or printed upon the final plat with opaque ink. Signatures shall be in opaque ink. (Resolution No. R-08-0009, February 19, 2008; Resolution No. R-08-0094, November 4, 2008).

(c) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of at least one-half inch.

(d) The final plat shall be drawn to one of the following scales only: 1 inch equals 20 feet, 1 inch equals 30 feet, 1 inch equals 40 feet, 1 inch equals 50 ft., 1 inch equals 60 feet, or 1 inch equals 100 feet or any other scale proposed by the subdivider with the approval of the Planning Director. The scale selected shall be sufficient to show all required information clearly, and enough sheets shall be used to accomplish this end. (Resolution #4942, December 8, 1992).

(e) If more than one sheet is used, the particular number of the sheet and the total number of sheets comprising the final plat shall be stated on each of the sheets; and the relationship to each adjoining sheet shall be clearly shown. If more than two sheets are used, an index sheet the same size as required above shall be included showing, at whatever scale is necessary, the entire subdivision with an indication by the use of dotted lines of the component areas which are shown on the other sheets.

(f) The boundary of the subdivision shall be clearly identified on the final plat. All lines shown on the final plat which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines shall be labeled, "not a part of this subdivision."

Sec. 8.03. CERTIFICATES AND ACKNOWLEDGEMENTS ON FINAL PLAT. The final plat shall show the following:

(a) Owner's acknowledgement and offer of dedication, if any. Such plat shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before some officer authorized to take the acknowledgments of deeds;

Lien holder's acknowledgement and consent to owners offer of dedication, if any;

- (b) Certificate of the surveyor;
- (c) Certificate of approval by the Planning Director;
- (d) All affidavits, certificates, acknowledgments, endorsements, dedications, and notarial seals as are required by law and the provisions of this resolution shall be as approved by the County Attorney. (November 8, 2005, Resolution No. R-05-0142)

Sec. 8.04. DATA REQUIRED ON A FINAL PLAT. (a) The final plat shall be accurately and legibly drawn and shall show the following:

(1) All survey and mathematical information with sufficient linear, angular, and curve data necessary to locate all existing and placed monuments and stakes, and to locate and retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision. Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of all common lines and the street centerline points shall be shown and any differences in measurements so noted.

(2) All dimensions on the final plat shall be to the nearest one-hundredth (.01) of a foot with such other information necessary to reproduce the final plat on the ground.

(3) Lot, outlot, and block lines. All such lines shall be shown and dimensioned.

i. Where such lines are curved at street intersections, the length of tangents shall be shown.

ii. Where such lines abut curvilinear streets, chord or arc distances shall be shown and noted.

iii. All angles of deflection or bearings of such lines other than those which are at right angles to the centerline of a street or on a radial line of a curved street.

(4) Lot, outlot, and block identity. Within each block all lots shall be numbered in sequence, beginning with the number one (1) and continuing consecutively throughout each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing consecutively through the alphabet.

(5) Areas to be dedicated or reserved for public use. For streets, private roadways, and other public ways within and adjacent to the subdivision, the location, name, centerline, centerline radius, length, and interior angle of horizontal curves, tangent length, and width. All areas shall be located and identified which are to be dedicated or reserved for public use, including park land and other public areas. All such parcels shall be outlots except streets dedicated to the public. A clear distinction shall be made as to which parcels are to be dedicated to the public from those parcels to be privately owned by or reserved for public use.

(6) The location and identification of all section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.

(7) The lot area in square feet for each lot and outlot, the number of acres, total number of lots and outlots within the subdivision. (Resolution #5322 dated May 7, 1996)

(8) A blank space shall be left at the top of the first page which is at least two and one-half (2 ½) inches by six and one-half (6 ½) inches in size.

~~(8) The lot area in square feet for each lot and outlet, the number of acres, total number of lots and outlets within the subdivision. (Resolution #5322 dated May 7, 1996)~~

(b) The following data shall be shown on each sheet of the final plat:

- (1) The name of the subdivision, the use of first (1st), second (2nd), third (3rd), etc. for additions or subdivisions shall be made in sequence, but only if the final plat is located adjacent to a plat with the same name.
- (2) Scale.
- (3) North arrow.
- (4) Sheet number and the total number of sheets comprising the final plat.
- (5) The name and number of the Preliminary Plat upon which the Final Plat is based. This information shall appear directly beneath the name of the Final Plat. (Resolution #R-01-14 dated March 27, 2001)

Sec. 8.05. ADDITIONAL INFORMATION REQUIRED. Accompanying the final plat submittal, the following information shall be submitted:

(a) a statement from the subdivider indicating:

(1) Any interest the subdivider has in the land surrounding the final plat and the nature of such interest.

(2) The name, telephone number, mailing address of the subdivider, record owner, and any other person the subdivider may want informed of the final plat process, and any person who has the authorization to act on behalf of the subdivider. (December 10, 2013, Resolution No. R-13-0070)

(b) A Computer-Aided-Design (CAD) file representing all information being submitted that complies with the CAD File Submittal Standards maintained by the Lancaster County Engineer. (Resolution No. R-18-0001, January 9, 2018)

Sec. 8.06. SURVEY REQUIREMENTS. (a) A land survey is required to support data furnished on the final plat, and this survey shall conform to all requirements set forth in this paragraph. All angles and dimensions shown on the plat shall be field measured. The survey of the centerline of all streets within the plat and the periphery of the plat shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). The survey shall be tied into the modified state plane coordinate system when necessary data to make the tie is available from the County Engineer. The final plat shall include a certificate signed by a registered land surveyor certifying that ~~he~~ the surveyor has accurately surveyed the subdivision and attesting to the accuracy of the survey, the correct location of all permanent survey monuments shown, and that the lots, blocks, streets, alleys, public ways, and grounds are staked and marked as herein required. The surveyor's certificate shall include a metes and bounds traverse description of the land being subdivided and the number of acres included. The surveyor's name, land surveying registration number, address, and if applicable, firm name shall appear below ~~his~~ the surveyor's signature; however, the letters of the firm name shall not appear elsewhere on the final plat.

(b) The land surveyor who performs the survey and certifies the final plat shall be obligated to place all of the following monuments and stakes in the subdivision and show the same on the final plat:

(1) A permanent monument at each of the final plat corners of the periphery of the subdivision.

(2) A permanent monument on the centerline of each street within the final plat or abutting thereon, at each street intersection, at the intersection of each street and railroad right-of-way, and at each point of tangency and curvature.

(3) A permanent metal stake shall be installed designating lot corners and block

corners within the subdivision.

c) The length, size, material, and approximate depth of all monuments and metal stakes placed in making the survey shall be designated by the County Engineer.

CHAPTER 9

GENERAL PROVISIONS

Sec. 9.01. MODIFICATION OF REQUIREMENTS. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, ~~the Board, after report by~~ the Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County and surrounding area are protected and the general intent and spirit of these regulations preserved.

Sec. 9.02. SEVERABILITY. Each section and each subdivision of this resolution is hereby declared to be independent of every other section or subdivision of a section so far as inducement for passage of this resolution is concerned; and the invalidity of any section or subdivision of a section of this resolution shall not invalidate any other section or subdivision of a section hereof.

Sec. 9.03. COORDINATING SUBDIVISION AND COMMUNITY UNIT PLAN. A preliminary plat is not required whenever the tract to be subdivided is included in a community unit plan. The approval of said community unit plat shall require that the tract to be subdivided conform to the requirements of this title, except that the approval may include a provision varying or modifying the requirements of this title so as to permit the coordinated development of a subdivision and a community unit plan; provided the public welfare and interests of the County and surrounding area are protected and the general intent and spirit of the regulations preserved. The Planning Director shall be authorized to approve final plats submitted in accordance with a community unit plan, notwithstanding the fact that such plats require modifications to the requirements of this title if such modifications were specifically approved at the time of approval of the community unit plan. (November 8, 2005, Resolution No. R-05-0142)

Sec. 9.04. PENALTY. Any violation of this resolution or of any regulation made by the County Board under the provisions of this resolution shall be a misdemeanor. Any person, partnership, association, club, or corporation violating the provisions of this resolution or of any regulation of the County Board, shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

Sec. 9.05. NOTICE OF HEARING.

(a) No hearing shall be held by the Commission until notice thereof shall have been given by the Planning Director on behalf of the Commission, by publication of notice of said hearing one time at least ~~eight (8)~~ five (5) days prior to such hearing in a daily newspaper having a general circulation in the City of Lincoln and Lancaster County in a local newspaper of any county which has a territory within three (3) miles of the property affected by such action of the County Board. Notice of the time and place of such hearing shall also be given in writing to the Chair of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

(b) For hearings on a preliminary plat, in addition to the notice provided in paragraph (a) above, notice shall be posted in a conspicuous place on or near the property being subdivided, stating that the Commission will hold a hearing on the proposal to subdivide the property. Said notice shall be posted at least eight (8) days in advance of the hearing. It shall be unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the hearing time.

(c) A general notice describing the property location and stating the date and location of the Commission hearing will be mailed at least ten (10) days before the Planning Commission's public hearing to the owners of record within one (1) mile of the boundaries of the proposed subdivision. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. (Resolution No. R-08-0094, November 4, 2008).

CHAPTER 10

FEES

Sec. 10.010. GENERAL REGULATIONS. Any person submitting an application for approval of a final plat, preliminary plat, amendment to a final plat or preliminary plat, survey error to correct another application, postponement that requires additional legal notice, or any other application under the Land Subdivision Resolution of Lancaster County shall pay an appropriate fee therefore established by Resolution of the Lancaster County Board of Commissioners. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the County Board or other appropriate authority. No fee shall be required when any application or requested action is initiated by the County Board on its own motion or by any board member or any person or group officially designated to participate in the administration of this Resolution. (Resolution No. R-12-0082, October 2, 2012)