

Memorandum



To: Planning Commission
From: Christopher Solberg, City Planner
Date: 12/13/2013
Re: Amendment to Subdivision Regulations

The City of La Vista Subdivision Regulations has undergone a complete re-write. Staff has made numerous amendments to clean up and clarify language, as well as to provide updates to the processes for subdivision approval.

RECOMMENDATION:

Staff recommends approval of the updated Subdivision Regulations.

**CITY OF LA VISTA
SARPY COUNTY, NEBRASKA
SUBDIVISION REGULATIONS**

ORDINANCE NUMBER

906

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ADOPTED BY THE CITY OF LA VISTA, NEBRASKA

JUNE 3, 2003JANUARY 21, 2014

REPRINTED WITH APPROVED REVISIONS

FEBRUARY 16, 2010

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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1.01 Name and Citation of Titles.

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

Section 1.02 Purpose

The purpose of this ordinance is to provide for the orderly development of La Vista and its ~~environs extra-territorial zoning jurisdiction~~ by ensuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety, ~~welfare, sustainability, and convenience of the community, and avoidance of excessive city maintenance expense.~~

Section 1.03 Definitions

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

1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.

1.03.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.

1.03.03 **BEST MANAGEMENT PRACTICES (BMP)** shall mean a practice, or a combination of practices, ~~that are determined to be effective, practical means (technological, economical, or institutional) of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.~~

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1.03.031.03.04 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

1.03.041.03.05 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City ~~Council~~Attorney which meets the intent of such security required by this ordinance.

1.03.05 **BOUNDARY ADJUSTMENT** shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.

1.03.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the ~~street right-of-way~~ line at a specified distance from the ~~street right-of-way~~ line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the ~~street right-of-way~~ line and shall be located at the required front yard set back where the lot width shall meet the minimum lot width required in the district.

1.03.07 **CHIEF BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the city to enforce the prescribed and adopted building codes for the city. Said individual may be assigned to enforce ~~the~~ Municipal Code, ~~the~~ Comprehensive Development Plan, Zoning Ordinance, and Subdivision Regulations for the City of La Vista.

1.03.08 **CITY** shall mean the City of La Vista, Nebraska. Also, City Council or governing body.

1.03.09 **CITY COUNCIL** shall mean the governing body for the City of La Vista, Nebraska.

1.03.10 **CITY ENGINEER** shall mean the city engineer of the City of La Vista employed or retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City or such other engineer as the city may assign in the particular matter.

1.03.10 **CLERK** shall mean the city clerk of the City of La Vista, Nebraska.

1.03.11 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of La Vista, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of La Vista.

1.03.12 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.

1.03.13 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a permanent vehicular turn-around and is planned for future continuation.

1.03.14 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.

1.03.15 **DEVELOPER** shall mean a buyer of land for building: a person or company that buys land in order to build on it or sell it to others who want to build on it. See also "Subdivider."

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1.03.16 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.

1.03.17 **FLOOD-PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year. See definition in the Zoning Ordinance.

4.03.171.03.18 **FLOOD FRINGE** See definition in the Zoning Ordinance.

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4.03.181.03.19 **FLOODWAY** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See definition in the Zoning Ordinance.

4.03.191.03.20 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

4.03.201.03.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designatedauthorized by the City Council or its specific approving authority for public use and ownership.

4.03.241.03.22 **LOT** shall mean a parcel, tract, or area of land created in conformance with this ordinance that may be separately owned, used, developed orand built upon.

4.03.221.03.23 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.

1.03.23 1.03.24 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.

1.03.24 1.03.25 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

1.03.25 1.03.26 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.

1.03.26 1.03.27 **LOT, FLAG** shall mean ~~lots, being those lots a lot~~ landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.

1.03.27 1.03.28 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

1.03.28 1.03.29 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.

1.03.29 1.03.30 **LOT LINE** shall mean the boundary line of a lot.

1.03.30 1.03.31 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.

1.03.32. **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

1.03.33. **LOT, PLATTED** shall mean a lot which is part of a subdivision, ~~of the plat of which, or the appropriate permit for which,~~ has been legally approved by the City and recorded in the office of the Register of Deeds for Sarpy County.

1.03.34. **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Sarpy County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this ordinance.

1.03.35. **LOT SPLIT** shall mean a subdivision involving the division of one or ~~more two~~ lots with the end result not being greater than two lots.

1.03.36. **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.

1.03.37. **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines. ~~shall mean the horizontal measurement between the side lot lines measured at the front setback line, perpendicularly distant from the front boundary of the lot, or the mean horizontal measurement on irregular shaped lots. Shall mean the Mminimum distance between the side lot lines occurring between the front and rear setback lines.~~

1.03.38. **MASTER PLAN** See Comprehensive Development Plan.

1.03.39. **MONUMENT** shall mean an identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

1.03.40. **OUTLOT** shall mean a lot remnant or parcel of land left over after created by left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure with the exception of a Project Directory Sign as per Section 7.01.05 of the Zoning Ordinance.

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1.03.41. **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

1.03.42. **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan a special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Zoning Ordinance as approved by the City Council.

1.03.43. **PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

1.03.44. **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

1.03.45. **PLAT, ADMINISTRATIVE:** Shall provide for lots splits, lot combinations, and boundary property line adjustments which result in lots divided or combined into not more than two (2) lots without having to replat said lot, provided that the resulting lots shall not again be divided without replatting.

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1.03.46. **PLAT, FINAL** shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this ordinance. Substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with this Ordinance is required.

1.03.47. **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.

1.03.48. **PLAT, REVISED PRELIMINARY** A revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.

1.03.49. **PRIVATE SHARED IMPROVEMENTS** infrastructure improvements such as roads, sewers or utility lines that served more than one property owner but which are not to be maintained by the City or located in the public right-of-way. Such improvements may be utilized when permitted in a subdivision agreement.

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1.03.49-1.03.50. **PROPERTY LINE ADJUSTMENT** is the relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook-ups. See also Plat, Administrative.

1.03.50-1.03.51. **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian and bicycle use only.

1.03.51-1.03.52. **REPLAT** is the act of platting the lots, parcels and easements in a recorded subdivision to achieve a

reconfiguration of an existing subdivision or part of an existing subdivision or to increase or decrease the number of lots in the subdivision.

4.03.52-1.03.53. **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels,underpasses, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments. The boundary of a street is the right-of-way or easement line associated with the street.

4.03.53-1.03.54. **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.

4.03.54-1.03.55. **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.

4.03.55-1.03.56. **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

4.03.56-1.03.57. **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision and shall be the title holder of record.

4.03.57-1.03.58. **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.

4.03.58-1.03.59. **SUBDIVISION AGREEMENT** An agreement between the City of La Vista and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements, for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative costs to be borne by the developer and by the public entity.

4.03.59-1.03.60. **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.

4.03.60-1.03.61. **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of La Vista as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the city and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

Section 2.02 General Provisions; Jurisdiction.

The provisions of this ordinance shall apply to all land located within the legal boundaries of the city, as the same may be amended by subsequent annexation, and shall also include all land lying within two (2) miles of the corporate limits of the City, or as indicated on the Official Zoning Map of the City and not located in any other Municipality.

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Section 2.03 General Provisions; Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat; or in the case of an administrative plat, approval by the City Planner.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (R.R.S. 1997) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any the county, or the City, or any city incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916 (R.R.S. 1997).

Section 2.04 Applicability.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from this ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 2.05 General Provisions; Interpretation.

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

Section 2.06 General Provisions; Conflict.

No final plat of land within the force and effect of the existing Zoning Ordinance shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 General Provisions; Permits.

Unless a lot shall have been platted in accordance with the provisions of this article, no building permit shall be issued.

Section 2.08 General Provisions; Amendments.

Any provisions of this ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the City Council; provided, however, that such amendments shall not become effective until after a public hearing and consideration by the Planning Commission, and a public hearing by the City Council in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the City of La Vista at least one (1) time, ten (10) days prior to such hearings.

Section 2.09 General Provisions; Modifications.

Where, in the case of a particular proposed subdivision, the subdivider can show that the strict compliance with this ordinance would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions not inflicted by the applicant, or where conditions would result in inhibiting the achievement of the objectives of this ordinance, the City Council, after receiving a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision, will not have the effect of nullifying the intent and purpose of the regulations, and will not interfere with carrying out the Comprehensive Development Plan of the City. See Article 8 regarding Waivers. The standards and requirements of this ordinance may be modified by the City Council after receiving a report from the Planning Commission in the case of a Planned Unit Development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data.

Pre-application Plans and Data: At least 30 days prior to filing an application for approval of a preliminary plat the subdivider shall submit plans and data to the City in sketch preliminary draft form showing ideas for the proposed subdivision of land. The sketch-draft plan shall include:

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

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

Section 3.02 Procedure for Approval of Preliminary Plat.

- 3.02.01 Before any subdivider contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of La Vista or which is within a two mile limit~~the extraterritorial jurisdiction~~ of the City of La Vista ~~as it may from time to time exist or which is proposed to be annexed~~, the subdivider or subdivider's representative shall file a preliminary plat of said subdivision with the City of La Vista. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to city staff prior to the completion of final surveys of streets and lots and before the start of any grading. The or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording of infrastructure shall not commence until approval of the final plat and approval of the infrastructure plans. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.
- 3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 3.02.03 Thirty five Twelve (35) (12) full sized copies and Thirty five (35) 11 x17 (folded) copies of the preliminary plat and required supplementary material as specified in Section 3.03 of this ordinance as well as a digital copy in PDF format via email shall be submitted to the City of La Vista Community Development Department in accordance to with the review schedule. City staff shall distribute one (1) copy of the preliminary plat with a request for comments to the school district and other entities, as the city deems appropriate. Additional copies shall be requested prior to submittal to Planning Commission and City Council for their review.
- 3.02.04 The Planning Commission will consider the preliminary plat at a public hearing, of which notice is given in a newspaper of general circulation within the City of La Vista, and will:
 1. Review the preliminary plat and other material submitted for conformity thereof to this ordinance,
 2. Review any recommendations of the above agencies and other agencies school district and other entities, and
 3. Recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by himthe subdivider.The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
- 3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
- 3.02.06 If the Planning Commission recommends disapproval or approval, then the city clerk will order notice of public hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the public hearing in a paper of general circulation within the City of La Vista. The City Council may (a) Concur concur with the Planning Commission's Recommendationrecommendation; (b) Reverse reverse the Planning

Commission's recommendation; or (c) ~~Refer~~refer the preliminary plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation.

3.02.07 Approval of a preliminary plat shall not constitute approval of the final plat. Rather, the preliminary plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the final plat. Approval of the preliminary plat shall become void after twelve (12) months from the date of such approval by City Council. The City Council ~~can~~may provide for an extension; however such extension shall not exceed one year. If no final plat has been filed or a final plat of previously proposed phases has not been filed within the original twelve (12) months, or by the end of the extension, the preliminary plat will become void.

3.02.073.02.08 The filing fee for the preliminary plat shall be in accordance to the City's Master Fee Schedule.

Section 3.03 Preliminary Plat Specifications.

The preliminary plat shall be drawn to a scale of at least one ~~inch~~(1") ~~inch~~metre to one hundred ~~feet~~(100') ~~feet~~metre, ~~or as approved by the City Engineer~~, with a sheet size not to exceed 42" ~~x~~30" and shall be plainly marked "preliminary plat" and shall include, show, or be accompanied by the following information, ~~unless deviations are required by the City Engineer or City Planner~~:

3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.

3.03.02 Both existing and proposed grades shall be shown, with contours at intervals of five (5) feet or less.

3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.

3.03.04 The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.

3.03.05 The proposed names and addresses of the owner and subdivider; ~~and~~ the engineer or surveyor, ~~responsible (all of which are~~ licensed to practice in Nebraska ~~responsible~~ for the subdivision layout; ~~and the names of all landowners abutting the proposed subdivision.~~

3.03.06 The legal description of the area being platted, ~~and~~ boundary lines (accurate in scale) and dimensions, ~~and~~ the location of monuments found or set, section lines, ~~existing and the approximate~~ and acreage of the proposed development.

3.03.07 Width and location of platted streets and alleys within 200 feet of the property; ~~and~~ physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; ~~and contours with intervals of five (5) feet or less;~~ the location of all existing utilities with their sizes indicated, as well as flow lines; ~~and~~ elevations of existing sanitary and storm sewer, ~~and~~ the outline of wooded areas (the location of important individual trees may be required).

3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land ~~and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be prepared by a title company and submitted in list form and as mailing labels.~~

3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and ~~grounds~~ land proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.

3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, rights-of-way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.

3.03.11 When wetlands and jurisdictional waterways exist, or are believed to exist, provide a delineation prepared by a qualified environmental specialist.

3.03.113.03.12 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.

3.03.12 Both existing and proposed grades shall be shown.

3.03.13 All established floodway, flood ~~way~~fringe, and flood plain overlay lines.

3.03.14 The existing zoning classification, building setback lines, and proposed uses of land within the proposed subdivision ~~shall also be designated.~~

3.03.15 ~~Six~~Three~~-(63)~~ draft paper copies, along with a digital copy in an editable format, of a subdivision agreement with itemized cost estimates for infrastructure improvements with proposed allocation of costs between sources

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of funding, letter size exhibits setting forth size and location of infrastructure improvements, and two (2) copies of full-size exhibits setting forth size and location of infrastructure improvements. The draft subdivision agreement shall include a statement of the estimated Storm Water Management Fees in accordance with Chapter 154 of the [La Vista Municipal City Code](#) to be generated through ultimate development of the subdivision. Draft subdivision agreements shall be required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. Draft subdivision agreements may be required in other cases as determined by the City.

[\(Ord. 1115, 2-16-2010\)](#)

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- 3.03.16 Three (3) copies of an erosion control plan.
- 3.03.17 Requests for waivers of design standards, [if any](#).
- 3.03.18 The subdivider or subdivider's representative shall be in attendance at the [City Planning Commission](#) and [City Council Meetings](#) when the preliminary plat ([displayed in duplicate](#)) is discussed.
- 3.03.19 [A Traffic-traffic](#) impact analysis [study](#) may be required by the city engineer.
- 3.03.20 Four copies of the following documents are to be submitted to the City for review at the time of the preliminary plat submittal:

1. A sanitary sewer plan.
2. [A surface storm drainage plan including provisions to provide for](#) water quality improvements to the first one-half inches (0.5") of runoff from the site and to reduce stormwater discharge rates after development of the site to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge). [\(Ordinance 1115, 2-16-10\)](#)
3. A street profile plan with a statement of proposed street improvements.
4. A Post-Construction Storm Water Management Plan, as provided in Chapter 154 of the [La Vista Municipal City Code](#), with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's. [A draft Maintenance Agreement and Easement shall be included with this submittal. \(Ordinance 1115, 2-16-10\) \(Ordinance 1084, 2-17-09\)](#)

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Section 3.04 Procedure for Approval of Final Plat.

- 3.04.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.
- 3.04.03 [Thirty-five \(35\) folded](#) full sized copies [and thirty-five \(35\) 11 x17 \(folded\) copies and a digital copy in PDF format](#) of the final plat and required supplementary material as specified in Section 3.05 of this ordinance shall be submitted [to the City of La Vista Community Development Department](#) in accordance [to with](#) the review schedule. [If requested, Additional copies shall be requested provided prior to submittal to Planning Commission and City Council for their review.](#)
- 3.04.04 Upon approval of the final plat, a certification of approval by the City shall be endorsed thereon by the mayor and the Planning Commission chair, and the original shall be filed with the Sarpy County Register of Deeds, [the reproducible copy with the city clerk, and the two \(2\) copies of the original with the Community Development Department, with additional plats filed as required by the city or county.](#)
- 3.04.05 Final approval by the City Council shall be by resolution after receiving the recommendation of the Planning Commission.
- [3.04.06 The final plat will be filed with the register Register of deeds Deeds within one year of the City Council's approval. Evidence of such shall be submitted to the City by the subdivider or appointed representative](#)
[Approval of the final plat shall become null and void ninety \(90\) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds. It shall be the responsibility of the subdivider to furnish the City Planner documentation of compliance within the \(90\) day period. A thirty \(30\) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee.](#)

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Thefee. The filing fee for the final plat shall be in accordance to the City's Master Fee Schedule.

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Section 3.05 Final Plat Specifications.

After approval of the preliminary plat by the Planning CommissionCity Council, the subdivider shall prepare and submit to the Planning CommissionCity a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of at least one (1") inch to one hundred (100) feet, or as approved by the City Engineer, with a sheet size not to exceed 42"x30" accompanied by the following information unless deviations are approved or required by the City Engineer or City Planner:

- 3.05.01. Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- 3.05.02. Date, northNorth arrow and graphic scale.
- 3.05.03. Lot designationlayout, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown, and adjacent subdivisions.
- 3.05.04. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the Measurement Specifications and Positional Tolerance described under the Technical Minimums section most recent version of the "Minimum Standards For Surveys," as established by the Professional Surveyors Association of Nebraskaadopted by the Nebraska State Board of Examiners for Land Surveys.
- 3.05.05. Fractional lines and corners of the government, township, and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
- 3.05.06. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
- 3.05.07. Bearings, based on assumed meridian approximating Northnorth, of all boundary lines or internal angles of all angle points on the boundary shall be shown.
- 3.05.08. The minimum unadjusted acceptable error of closure for all subdivision boundariesany portion of the plat shall be 1:10,0007,500 and shall be 1:5,000 for any individual lot.
- 3.05.10. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
- 3.05.11. Names and widths of the streets, and block and lot numbers (numbered consecutively).
- 3.05.12. 3.05.09 Location of lots including square footage of each lot for lots other than single family residential, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
- 3.05.13. 3.05.10. All distances shall be shown in feet to the nearest one-hundredth (1/100) of a foot.
- 3.05.14. 3.05.11. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01. If no mortgage holders, provide a statement to that effect from a title company.
- 3.05.15. 3.05.12. A block for the certification signed by the countyCounty treasurerTreasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.07.
- 3.05.16. 3.05.13. A block for the approval of the Planning Commission as per Section 10.03.
- 3.05.17. 3.05.14. A block for the approval of the City Council to be signed by the mayorMayor and attested to by the cityCity clerkClerk as per Section 10.04.
- 3.05.18. 3.05.15. A legal description including total acreage.
- 3.05.19. 3.05.16. A block /space for Certificate of County Register of Deeds as per Section 10.05.
- 3.05.20. 3.05.17. A block of for review fromby the Sarpy County Public Works Surveyor as per Section 10.06.
- 3.05.21. 3.05.18. A block for the approval of the lending institution as per Section 10.10, if applicable.
- 3.05.22. 3.05.19. A block for SurveyorsSurveyorsCertificationCertification as per Section 10.02.
- 3.05.23. 3.05.20. Three (3) copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 3.05.24. 3.05.21. Prior to approval of the City Council, at least five (5) original signed and notarized, readable and

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reproducible 18" x 24" minimum to 30" x 42" maximum Mylar copies (Mylar) of the final plat with a 1.5" border ((34) full size, (1) 18" x 30", and one (1) 11" x 17") shall be submitted as well as two (2) one (1) electronic copies on a compact disc or DVD or zip disc (AutoCAD 14 release and newer or compatible file to the city City engineer Engineer and Sarpy County's needs).

3.05.25.3.05.22. Plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. Stat. §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet feet and decimals of a foot shall be required in La Vista (Sarpy County) pursuant to Neb. Rev. Stat. §86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.

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3.05.26.3.05.23. Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.

3.05.27.3.05.24. Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private and if City, Sanitary and Improvement District SID or other form of public debt is to be incurred, the data must include a breakdown for each type of improvement showing detailed quantities and costs to be specially assessed or otherwise to be borne by the subdivider and those costs proposed not be borne by special assessment or otherwise borne by the subdivider (the latter sometimes referred to as "General Obligation").

3.05.28.3.05.25. Development Preparation of an acceptable subdivision agreement prior to City Council action.

3.05.26. Waivers being requested, if any.

3.05.29.

3.05.30.3.05.27. The Final final plat shall then be submitted to the City Council for approval and adoption prior to the start of construction of public or private infrastructure improvements, at a public hearing advertised and posted with notice at least ten (10) days prior to the hearing in a paper of general circulation in the City of La Vista.

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Section 3.06 Plats Outside Corporate Limits.

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

Section 3.07-06 Vacation of Plat of Record.

3.06.01. A subdivider may make application to the City to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.

3.07.02. 3.06.02. The subdivider shall present a proposal to the City, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration send a recommendations to the City Council. The City Council, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Sarpy County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

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3.06.03. The filing fee for the vacation of a plat shall be in accordance to the City's Master Fee Schedule.

Section 3.08-07 Replats

Whenever a subdivider requests a re-subdivision of a parcel consists consisting of ten (10) or fewer lots, the City city may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the City engineer Engineer, separate submission will not serve the public interest and will not conflict with the intent of this ordinance. Concurrent plats shall be:

3.07.01. Replats shall be discussed with the City city at a scheduled pre-application conference, as set out in Section 3.01.

3.07.02. Be submitted to the Community Development Department in accordance with the review schedule;

3.08.03. Be accompanied by the applications fees and completed application forms as required;

3.07.03. Follow the procedure set forth for herein and contain provide the required information for preliminary and final

plats;

~~3.08.05 Include a drainage plan showing how run off generated by the proposed development impacts drainage on downstream drainage systems.~~

~~3.07.04 Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least fifteen (15) days prior to the next regular meeting of the City Council.~~

~~3.07.05 A final plat, in conformance with Section 3.05, shall be submitted to the [City](#).~~

~~3.07.06 [The filing fee for the replat shall be in accordance to the City's Master Fee Schedule.](#) All requirements of Section 3.05 shall be met and a revised preliminary platting shall be required if the guidelines of section 3.09.03, 1 through 8 are found.~~

Section 3.09–08 Administrative Plats

3.08.01 The intent of this section is to provide for lot splits, and lot ~~combinationsconsolidations, and boundary adjustment~~ which result in lots divided or combined into not more than two (2) lots without having to ~~re-plat~~ said lot, provided that the resulting lots shall not again be divided without ~~re-plat~~plating. ~~Consolidation of ten (10) or fewer lots into not more than two (2) lots may be permitted without having to re-plat~~, provided requirements of section 3.09.03 are not warranted. City staff shall review the administrative plat application and make a final determination. (*Ordinance No. 967, 11-15-05*)

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

1. A survey of the lot(s),
2. Location of all existing structure(s),
3. Location and dimensions of the proposed administrative plat,
4. A block for Acknowledgment by Notary as per Section 10.01,
5. A block for Surveyors Certification as per Section 10.02,
6. A block / space for Certificate of County Register of Deeds as per Section 10.05,
7. A block of review from the Sarpy County Surveyor-Public Works as per Section 10.06,
8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.07,
9. A block for the approval of the City as per Section 10.08,
10. A block for the approval of the lending institution as per Section 10.10, if applicable,
11. Size and number of copies shall conform to 3.05.24 as required by the City.

3.08.03 Disapproval of administrative plat shall be based on the following guidelines:

1. A new street or alley other right-of-way is needed or proposed,
2. Vacations of streets, alleys, setback lines, access control or easements (unless certain easements are determined by city staff to be unnecessary and for which proper release from the corresponding utility companies have been made and filed) are required or proposed. (*Ordinance No. 967, 11-15-05*)
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.,
4. There is less street right-of-way than required by this ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument,
5. All easement requirements have not been satisfied,
6. Such action taken during anThe administrative plat will result in a tract without direct access to a street,
7. A substandard-sized lot or parcel will be created,
8. The lot has been previously split through the administrative plat process of either the City or the County.

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

3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's Office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

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

3.08.07 After approval from the city staff, all mylars must be certified by all applicable parties. Approval of the plat shall become null and void ninety (90) days from the date of the City Planner's approval if the subdivider does not file the plat with the Register of Deeds. Two-and two (2) copies of the recorded plat shall be filed with the City. A thirty (30) day extension may be granted by the City Planner upon written request of the subdivider and

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submittal of the required fee, prior to the issuance of a permit.

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Minimum Design Standards.

No subdivision shall be approved unless it is in conformance with the requirements of this ordinance and the Comprehensive Development Plan or a waiver has been granted according to Section 8.01 of this ordinance.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the City has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, ~~rock formation~~, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision remediation are formulated by the developer and approved by the City that would eliminate or substantially reduce such hazards.

The City may require all contiguous land under common ownership to be submitted with the preliminary plat in order to evaluate overall development patterns, extensions of future roads and services, and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit, and the preliminary plat shall show, a logical future street and utility system and logical re-subdivision.

Section 4.02 Design Standards; Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets ~~and alleys~~ already existing in areas adjacent to the area being subdivided. Where, at the determination of the city with recommendation from the city engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the city engineer deems it necessary, such dead-end streets shall be provided with an acceptable temporary turnaround ~~having a radius at outside of the pavement of at least forty (40) feet or other approved design.~~

Section 4.03 Design Standards; Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.24 of this ordinance. ~~Access to lots located on arterials and other arterials shall be approved by the City~~

Frontage roads ~~or marginal access streets~~ may be required by the City for subdivisions fronting on arterial streets. ~~If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.~~

Section 4.04 Design Standards; Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum ~~street right-of-way~~ width requirements set forth in this ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side

of an existing street, one half (1/2) of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. ~~Dedication of one half (1/2) of the right of way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right of way when adjoining property is subdivided.~~

Section 4.05 Design Standards; Intersections.

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. ~~Street curbCurb at street~~ intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the City may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street ~~and abuts an arterial street~~ shall have a service drive, curb cut, or other means of vehicular access to ~~an~~the arterial street.

Section 4.06 Minimum Design Standards; Curves in Streets; Horizontal.

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

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in ~~section~~Section 4.24 of this ordinance.

Section 4.07 Design Standards; Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than ~~seventy-five tenths (0.75' / 100')~~one-half (0.5) of one percent. ~~Minimum grades for gutters and ditches shall be four tenths (0.4' / 100')~~and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in ~~section~~Section 4.24 of this ordinance.

Section 4.08 Design Standards; Frontage Roads/Marginal Access Streets.

~~Where, upon review by the City, development which abuts or has included within the proposed subdivided area any Arterial, the City may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic. Marginal access or frontage roads shall incorporate year-round screening between these roads and the adjacent arterial streets.~~

~~Where a subdivision fronts on or contains an existing or proposed arterial street, the City may require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non access arterial street frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street.~~

~~Marginal access streets may be required by the City for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.~~

Section 4.09 Design Standards; Access/Egress.

~~There shall be a minimum of two (2) vehicular access points per platted subdivision. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.~~ The city engineer shall determine the most suitable location for said access points during the review period.

Section 4.10 Design Standards; Street Jogs.

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

Section 4.11 Design Standards; Cul-de-sac Streets.

~~Minor terminal temporary~~ Temporary dead-end streets or cul-de-sacs shall not be longer than ~~six three~~ hundred (600~~300~~) feet and shall provide a turnaround conforming to the requirements of ~~section~~ Section 4.24 of this ordinance. ~~The City may approve alternative designs for a temporary turnaround.~~ The length of the cul-de-sac shall be measured from the center of the turnaround to the center of the intersecting street.

Section 4.12 Design Standards; Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be reviewed by Sarpy County Emergency Management and approved by the City ~~Council~~ Public Works Director prior to such names being assigned or used.

Section 4.13 Design Standards; Private Streets and Reserve Strips.

New private streets may be created as part of a Plan Unit Development district, provided such streets are specifically authorized by the ~~city~~ City Council and dedicated as ~~access easements~~ an exception to the terms of the ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the City as authorized in this ordinance. Design standards for private streets shall meet the requirements of Section 4.24.

Section 4.14 Design Standards; Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand ~~three hundred twenty~~ (1,320~~1,000~~) feet ~~and shall be a minimum length of three hundred (300) feet.~~ Pedestrian easements ten (10) feet wide ~~shall may be required to be~~ provided through or near the center of blocks more than ~~six-five~~ hundred (600~~500~~) feet long in order to provide for pedestrian circulation.

Section 4.15 Design Standards; Lots.

The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to curved street lines.

Section 4.16 Design Standards; Double Frontage or Through (Double Frontage) Lots.

Double frontage lots~~s~~ shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten (10) feet in width shall be provided along the lot line of the lots abutting such arterial street and the subdivider shall install trees, shrubbery, ~~or~~ fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street. Such screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots.

Section 4.17 Design Standards; Easements.

Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least fifteen (15) feet wide or wider when required by the city engineer.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the City a permanent storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations as determined by the City. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.

Where a subdivision is traversed by the Thompson Creek, Hell Creek, Big Papillion Creek, South Branch Papillion Creek, ~~or Creek or~~ West Branch Papillion Creek, there shall be provided to the City and the Papio-Missouri River Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails in accordance with Papillion Creek Watershed Stormwater Management Policies. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

Perpetual easements shall be granted to the Omaha Public Power District and any telecommunications entity or other corporation transmitting communication signals authorized to use the city streets under a franchise agreement, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five (5)-foot wide strip of land abutting all front and side boundary lot lines, and eight (8)-foot wide strip of land abutting the rear boundary lines of all interior lots, and a sixteen (16)-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen (16)-foot wide easement will be reduced to an eight (8)-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to Metropolitan Utilities District of Omaha, Aquila Black Hills Energy, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5)-foot wide strip of land abutting all the turn-around portion of all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not, then or later, interfere with the afore-said uses or rights herein granted.

Section 4.18 Design Standards: Storm Sewer System.

The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal Code all as amended from time to time. In addition, provisions shall be made to limit the ten (10)-year peak rate of storm water discharge from the subdivision. Post-development peak runoff rate shall not exceed one and one-quarter (1.25) times the pre-development runoff rate at any time following post-development based upon a ten (10)-year storm event. Pre-development shall be the condition prior to improvements being completed started, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots. (Ordinance 1115, 2-16-10)

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(Ordinance 1115, 2-16-10)

Section 4.19 Design Standards: Sanitary Sewer System.

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

Section 4.20 Design Standards: Sidewalks.

All sidewalks within subdivisions shall have a minimum pavement width of four~~five~~ (4)~~(5)~~ feet and minimum pavement thickness of six (6) inches along major or other arterials and four (4) inches everywhere else, all of which shall be located within the right-of-way or pedestrian access easement and not directly abutting any street. Minimum distance between edge of walk and curb shall be six (6) feet.

All sidewalks, crossings, and other segments of a pedestrian system must comply with the standards of the Americans with Disabilities Act. Ramps with truncated domes shall be installed at all public street crossings and private roadway/driveway crossings that have traffic control access.

Section 4.21 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall ~~be flood proof in accordance with the flood hazard zoning provisions conform to the flood plain management regulations~~ of the Zoning Ordinance.

Section 4.22 Design Standards: Creek Setback.

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one (3:1) slope plus twenty (20) feet between the water's edge of the stream and the closest point on the structure at grade. For those creeks or streams designated in the Papillion Creek Watershed Plan, the setback shall be increased to allow a maximum three-to-one (3:1) slope plus fifty (50) feet between the water's edge of the stream and the closest point on the structure at grade. As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions. [\(Ordinance 1115, 2-16-10\)](#)

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[\(Ordinance 1115, 2-16-10\)](#)

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

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

Section 4.23 Design Standards; Conformance with Other Regulations.

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing zoning regulations ~~unless waived by the Planning Commission and City Council in accordance with this ordinance~~. Whenever there is a variance between the minimum standards set forth in this ordinance and those contained in other regulations, the most restrictive standard shall govern.

Section 4.24 Minimum Street Standards

Street Classifications	Minimum Right-of- Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³	Minimum <u>Concrete</u> Pavement Thickness ^{4, 7, 8}
Arterial Street ⁶	100'	<u>5049⁴</u>	4	6	(5)	(5)	9"
Collector Street	60'	37'	3	10	300	250'	7"
Local Street and Minor Street <u>without Parking</u>	50'	25'	2	10	200	175'	7"
Cul-De-Sac ² and Loop Street	50'	<u>37.5-25'</u>	2	10	100	175'	7"
Marginal Access (Frontage Road) (No Parking)	40'	25'	2	8	300	250'	7"
<u>Private Street (Access Easements)</u>							

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1. Pavement width measured back of curb to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50') feet and the minimum pavement radius for the cul-de-sac turnaround shall be thirty-seven and a half (37.5) feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the city engineer.
3. (VC) - Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by the American Association of State Highway and Transportation Officials (AASHTO).
5. Per [Nebraska Department of Roads \(NDOR\) Standards](#) or as directed by the city engineer.
6. All section line roads will be designated as arterial streets, unless otherwise directed by the City Engineer.
7. Streets in commercially zoned subdivisions shall be eight inches thick concrete pavement.
8. Streets in industrially zoned subdivisions shall be nine inches thick concrete pavement.

In the event of conflict with the rules and regulations of the Nebraska Board of Public Roads Classifications and Standards, the more stringent criteria shall govern.

Private Streets shall meet the requirements for Local and Minor streets unless otherwise determined by the City Engineer. The minimum width of the outlot or easement containing the private roadway shall be 50 feet. Required setbacks will be measured from the limit of the outlot or the edge of the roadway easement.

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; General.

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the City upon recommendation of the city engineer.

The work shall be done in accordance with specifications approved by the City and shall be completed within the time limitations established [herein in Section 7.02.05](#). The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services shall be the minimum standards required thereof.

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

Section 5.02 Required Improvements; Monuments and Markers.

Monuments and markers placement shall be as follows:

5.02.01 Concrete monuments shall be located at all quarter section points or other reference points tied to the federal survey system on the boundaries of or within the area being platted.

Section 5.03 Required Improvements; Monument Construction.

5.03.01. Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the [Professional Surveyors Association of Nebraska in February 1989](#)[Nebraska State Board of Examiners and Land Surveyors](#). These standards are as follows:

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5.03.02. The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

5.03.03. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths (5/8) inch and minimal length of twenty-four (24) inches (24). When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

5.03.04. In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the City Council or engineer.

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Section 5.04 Required Improvements; Street Grading and Construction.

5.04.01. All streets shall be graded to the full width of right-of-way and to within six (6) inches of the street grade established in the approved final [plat](#) construction plans and specifications. Final construction plans shall be in conformance with Section 4.24.

5.04.02. Higher design standards may be required by the City to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

5.04.03. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless [excepted](#) [a waiver is granted](#) by the City [Council](#) in accordance with [the terms of this ordinance](#) [Section 8.01](#).

5.04.04. The applicant shall comply with all [National Pollutant Discharge Elimination System](#) (NPDES) requirements as administered by the State of Nebraska, and the Papio-Missouri River Natural Resources District, and the [Papillion Creek Watershed Partnership](#).

Section 5.05 Required Improvements; Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and

Hydrants.

5.05.01. At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles. [Signs shall comply with the Manual of Uniform Traffic Control Devices.](#)

5.05.02. The developer-subdivider shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District, subsequent providers, and/or the city engineer.

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

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

5.05.05. Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the city engineer to be consistent with future parking restrictions.

5.05.06. 5.05.05. Gas mains shall be installed at the direction of the city engineer. Gas, water, power, and communication facilities shall be provided by the utility companies authorized by the City to provide such service and shall be at the subdivider's expense.

Section 5.06 Required Improvements; Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such landscape screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots, or upon completion of the infrastructure.

Section 5.07 Required Improvements; Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, the Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal CodeCity Code, all as amended from time to time. In addition provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed one and one-quarter (1.25) times the predevelopment runoff rate at any time following post development, based upon a ten (10) -year storm event. Pre-development shall be the condition prior to improvements being completed, including agricultural uses. For single family subdivisions, storm water management facilities should be community based in outlets rather than on individual private lots. Storm Sewersewer shall be constructed and installed to provide adequate drainage in accordance with any supplemental recommendations of the city engineer. In addition, the developer subdivider shall submit, a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be submitted with the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such demonstrate no adverse impacts -drainage on downstream drainage systems. (Ordinance 1115, 2-16-10)

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5.07.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for ten (10)-year and one hundred (100)-year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

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5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.

2. Quantities of flow at each pick-up pointproposed inlet or pipe junction.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm and capacities at critical points for one hundred (100)-year frequency storm events to demonstrate adequate conveyance within public right-of-way and/or easements.

5.07.03 **Drainage Requirements.** The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the city engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the city engineer.

Section 5.08 Required Improvements, Sanitary Sewers.

Where a sanitary sewer is accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. All sanitary sewers shall be constructed in accordance with sanitary sewer standards approved by the City Council as well as sectionSection 4.19.

Section 5.09 Required Improvements: Seeding.

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

Section 5.10 Required Improvements: Water Mains .

The subdivision shall be provided with an adequate water supply system, which shall be connected to an approved water supply source. The water system shall be operated by a utility company authorized by the City.

Section 5.11 Required Improvements: Roadway Improvements.

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

Section 5.112 Shared Private Improvements.

Where more than one lot will share an infrastructure improvement, and such improvement is not to be owned or maintained by the City, the improvement shall be designed to the requirements of this article.

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ARTICLE 6: DEDICATIONS AND RESERVATIONS ~~ON OR~~ PUBLIC LAND

Section 6.01 Dedication.

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

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

Section 6.02 Reservation and Dedication of Public Land and Open Space.

Before preliminary or final plat approval is given, the City may require the subdivider to ~~dedicate~~ reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the City. Reservation of land for public acquisition and/or use shall be for a period not to exceed ~~three (3)~~
~~five (5)~~ years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said ~~three (3)~~
~~five (5)~~ year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site ~~after giving written notice to the City to make a determination on acquisition.~~

In certain situations, the contemplated use of land creates or contributes to the public need for land or facilities including but not limited to recreational and public safety facilities created by the nature of the development and use of land. In such situations, the City may require dedication and/or other appropriate subdivider contribution to the cost of satisfying such need.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the City will determine the density and location of said park ~~(s)~~ ~~or other public use~~ and may require the immediate acquisition or reservation of such area or may accept the dedication of such area.

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Platting, Etc. Costs.

In order to provide consistent information concerning the financing of required subdivision improvements, establish an equitable division of costs between the developer and City, and to ensure orderly, cost effective growth in the City of La Vista, the City shall require that the subdivider pay for the following services and improvements indicated as part of the subdivision process:

- 7.01.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, erosion control, drawings, and related services.
- 7.01.02. Unless otherwise agreed to by the City in a subdivision agreement, the subdivider shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

Section 7.02 Subdivision Improvements Guarantees.

Prior to the final plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City.

In lieu of requiring the completion of all improvements prior to the final plat approval, the City Council may enter into an agreement with the subdivider and the subdivider shall guarantee to complete all improvements required by these regulations and approved by the City in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one (1) or more of the guarantees set forth in Section 7.03 and 7.04 below.

Section 7.03 Surety Performance Bond.

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover one hundred ten (110%) percent of the cost of all improvements, as established by the subdivider and accepted by the City Council upon recommendations of the city engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with this ordinance.

Section 7.04 Escrow Account.

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the city engineer.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and him or herself guaranteeing the following:

- 7.04.01. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period.
- 7.04.02. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in completion of the improvements.

After the City Council approves the final plat, the following must be submitted for review and acceptance by the City prior to releasing the final plat to be recorded:

- 7.02.01 Improvement plans, using city datum, prepared by a professional engineer registered in the State of Nebraska, for paving, sanitary and storm sewers, and other public improvements identified in the subdivision agreement, on 24-inch by 36-inch sheets, at a horizontal and vertical scale approved by the City Engineer.
- 7.02.02 Verification of the location and installation of all boundary and lot pins.
- 7.02.047.02.03 Payment of all required fees identified in the subdivision agreement.

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7.02.04 Verification that all improvements required by this chapter have been satisfactorily arranged for though one or combination of the following:

1. All improvements have been installed and have been accepted by the City Engineer; or
2. A surety bond, or comparable instrument acceptable to the City Attorney, has been posted to cover one-hundred and ten percent (110%) of the cost of all improvements; or
3. City street and sewer districts have been formed providing for the installation of improvements; or
4. Sanitary and improvement district contracts have been executed covering the installation of all required improvements, except public utility improvements described in the subdivision agreement.

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7.02.05 The subdivider shall complete installation of the required improvements, in compliance with the street surfacing, sanitary sewer, and storm drainage requirements, within two years after the final plat has been approved by the City Council. Such period may be extended by the City Council- upon a showing by the developer that lot sales and development do not warrant such installation.

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7.02.027.02.06 The bond or other surety shall be released upon installation of the required improvements and approved by the City Engineer. If the improvements are not completed within the specified or extended periods of time, or constructed in accordance with the approved plans and specifications the performance surety bond shall be forfeited and used by the City to complete the installation of the improvements.

7.02.07 The subdivider shall record the final plat with the County Register of Deeds within ninety (90) days from the date of approval of the plat by the City Council.

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Section 7.03 Improvements: Financing.

7.03.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the subdivider may petition the City to create City Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision build_out, the City's evaluation of the debt impact on the City, or other sufficient reason as determined by the City, the City may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to twenty ~~percent~~ (20%) percent or more of the cost of improvements as determined from the city engineer's estimates prior to receipt of bids and award of contracts. The City may finance up to eighty ~~percent~~ (80%) percent of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the final plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the final plat ~~if the area of the tentative plat is more than ten acres.~~

7.03.02 As to those portions of the subdivision that are situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the subdivider may cause such improvements to be constructed by a street improvement district or sanitary and improvement district in accordance with the appropriate state law. However, the city engineer shall not certify to the City that the required improvements have been satisfactorily arranged for until the subdivider presents certified evidence that the improvement district has been duly formed and has ~~adopted a resolution of necessity authorizing a contract~~executed contracts for the required work in that portion of said street improvement district or sanitary and improvement district included in the final plat. It is further provided, however, that if the City has approved a final plat for a phase of the area comprised in the preliminary plat, the subdivider may submit for final platting ~~of~~ the next phase only if the required improvements have been installed in the first phase, or have been contracted for as above provided in the phase comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

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

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

7.03.05 When private financing is proposed, the subdivider is required to submit Proof of financial capability to construct the proposed infrastructure.

7.05.01

Section 7.04 Subdivision Agreement.

~~No contract for the construction of public improvements involving any subdivision in the within the city limits or extraterritorial jurisdiction of the city of La Vista shall be let, awarded, or otherwise consummated by the subdivider unless first entering into a formal subdivision agreement between the city, the subdivider, and/or the Sanitary Improvement District concerning land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, erosion and sedimentation control methods, both temporary and permanent, and assessments for the costs to be incurred as a general obligation by the Sanitary Improvement District, development corporation, or other persons to be involved in this contract. The city will consider all sections of Article 7 of this ordinance in entering a contractual agreement covering the assessment of costs for public improvements.~~

Section 7.06 Time Limits.

Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. Such deadlines shall not exceed two (2) years from the date of final plat approval, provided, however the City Council may extend that deadline for one (1) additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Or

~~Unless provided for otherwise within the subdivision agreement, the subdivider shall complete in a manner satisfactory to the City Council and the City Engineer all improvements required in these regulations and/or subdivision agreements within one year after the final plat has been approved by the City Council. The City Council may extend this period upon the showing by the subdivider of circumstances beyond his or her control or upon evidence of circumstances that create a hardship to the subdivider.~~

Section 7.05 Installation of Improvements.

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

- 7.05.01 ~~They may install~~ Install required improvements upon ~~acceptance approval~~ of plans and specifications ~~being approved~~ by the City Council.
- 7.05.02 ~~They may submit~~ Submit a petition requesting the City to construct ~~street surfacing and sanitary sewer~~ ~~the improvements~~ in the proposed subdivision by the district method. In the event, ~~the~~ subdivider shall have plans and specifications prepared and pay all costs for same, ~~approved prior to receiving approval~~ by the ~~city~~ staff, city engineer, and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law ~~and in accordance with the subdivision agreement~~.

Section 7.06 Plan and Administration Review Reimbursement.

The subdivider ~~of or the a~~ sanitary and improvements district shall reimburse the City for such costs incurred by the City for plan review, plan check, and plan approval as to conformance with approved City standards and specifications.

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Subdivider, ~~or the SID~~, shall pay to the City an amount equal to ~~one two~~ percent (42%) of the actual construction cost of subdivider paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made on the basis of ~~one two~~ percent (42%) of the construction and/or installation cost estimates for the various improvements computed by the subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for ~~City~~ final ~~review~~ approval.

Section 7.07 Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with ~~Section 7.09 below this section~~ within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall authorize actions to proceed in accordance with Section 7.02.06 of this ordinance, do one (1) of the following:

- 7.07.01 ~~Where improvements have been guaranteed under Section 7.03 of this ordinance, the bond shall be forfeited to the City.~~
- 7.07.02 ~~Where improvements have been guaranteed under Section 7.04 of this ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.~~

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 7.08 Certification and Inspection.

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

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

- 7.08.01 That all required improvements are complete.
- 7.08.02 That these improvements are in compliance with the minimum standards specified by the City.
- 7.08.03 That there are no known defects from any cause in the improvements.
- 7.08.04 That these improvements are free and clear of any encumbrances or lien.

If the city engineer or other authorized person has certified that the improvements are complete and free from defect, the City shall accept any dedication of improvements. The City may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

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

Section 7.09 Reduction of Guarantees.

In those cases where improvement guarantees have been made under Section 7.02 7.03 or 7.04 of this ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 and 7.10 of the dedication and acceptance of a portion of the improvements.

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Section 7.10 Release of Guarantee.

Upon acceptance, in accordance with Section 7.01 and 7.02.06 of the ordinance, the City shall authorize the release of the performance bond or **the remaining portion of the escrow**.

Section 7.11 Operation and Maintenance.

It is the intention of the City to provide no services other than planning, zoning, building code enforcement, and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the City, a precise **approach-method** for the operation and maintenance of improvements in the subdivision. Said **approach-method** may include formation of districts, **homeowners** **owners'** associations or other methods to operate and maintain such improvements. Said **approach-method** shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS

Section 8.01 Granting of Waivers (Exceptions) and Conditions.

In addition to the exceptions contained in this ordinance, the Planning Commission may recommend and the City Council may grant waivers from the provisions of this ordinance, but only after determining that:

- 8.01.01. There are unique circumstances or conditions affecting the property that are not ~~the result of actions by merely for the convenience or profit of~~ the subdivider.
- 8.01.02. The waivers are necessary for the reasonable and acceptable development of the property in question.
- 8.01.03. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 8.02 Planned Unit/Cluster Developments.

The Planning Commission and City Council may also grant reasonable waivers to this ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development ~~or cluster development~~. The subdivider shall indicate where the plans vary from the requirements of this ordinance and shall present evidence to support such requests.

Section 8.03 Amendments.

Any provision of this ordinance from time to time may be amended, supplemented, changed, modified or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by ~~recommendation of the Planning Commission.~~

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ARTICLE 9: ADMINISTRATION/~~AND~~ ENFORCEMENT

Section 9.01 General.

The following apply towards administration of this ordinance:

- 9.01.01 It shall be the duty of the city staff to enforce this ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 No owner~~s~~ or agent of an owner~~s~~ of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved approved by the Planning Commission and City Council in accordance with the provisions of this ordinance, and filed for recording with the Sarpy County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this ordinance shall not be permitted. All ~~such~~ subdivisions shall be subject to all the requirements contained in this ordinance.
- 9.01.04 No permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this ordinance.

Section 9.02 Amendments.

Any provision of this ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written reports a public hearing and recommendation by of the Planning Commission to the City Council.

Section 9.03 Violation/~~and~~ Penalties.

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01: Acknowledgement of Notary

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF SARPY

On the ____ day of _____ 20____, before me, the undersigned Notary Public, duly commissioned and qualified in aforesaid county personally appeared _____, known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledged the execution thereof to be his/her voluntary act and deed as said _____.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

(SEAL)

Notary Public

Section 10.02: Surveyor's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on _____, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct; I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat meets or exceeds the "Minimum Standards for Surveys" adopted by the Nebraska State Board of Examiners for Land Surveyors. Further, I hereby certify that I have made a boundary survey of the subdivision described herein and that permanent markers will be set (or have been set) at all lot corners, angle points and at the ends of all curves within the subdivision to be known as _____, being a platting (or replatting) of _____, described as follows: (insert boundary description) containing _____ acres, more or less.

(Surveyor, RLS #)

Date

(seal)

Section 10.03: Approval of La Vista City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

This plat of _____ was approved by the La Vista Planning Commission this ____ day _____ 20____

Chairperson, La Vista Planning Commission

Section 10.04: Acceptance by La Vista City Council

ACCEPTANCE BY LA VISTA CITY COUNCIL OF

This plat of _____ was approved by the City Council
of the City of La Vista, Nebraska on this _____ day _____ 20____, in accordance
with the State Statutes of Nebraska.

_____ (City of La Vista SEAL)

Mayor

ATTEST _____

City Clerk

Section 10.05: Acceptance by Sarpy County Register of Deeds

Recorded on this _____ day of _____, 20____.

_____ Sarpy County Register of Deeds (STAMP including book and Page)

A 5" x 2 1/2" space in the upper right hand corner to allow for the placement of a recording "sticker".

Section 10.06: Review of by Sarpy County SurveyorPublic Works

REVIEW OF SARPY COUNTY SURVEYOR

This plat of _____ was reviewed by the office of Sarpy
County Surveyor Public Works on this _____ day of _____, 20____.

Sarpy County Surveyor Public Works (SEAL)

Section 10.07: County Treasurer's Certifications

COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's
Certificate and embraced in this plat as shown by the records of this office.

County Treasurer

Date

(SEAL)

Section 10.08: Administrative Plat Approval

APPROVAL OF CITY OF LA VISTA

This Administrative Plat was approved by the City of La Vista this _____ Day of _____, 20____.

City Clerk

Mayor

_____ (City of La Vista SEAL)

Chief Building Official City Planner

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Section 10.09: Owners Certification

OWNERS CERTIFICATION

I/we the undersigned _____ owner(s) of the real estate shown and _____ (names) described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the City of La Vista, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature

Signature

Section 10.10: Lien Holder Consent

The undersigned holder of that certain lien against the real property described in the plat known as _____ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. _____ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

(Name of lien holder)

By: _____

(Print the Name of Individual)

Title: _____

ARTICLE 11: LEGAL STATUS PROVISIONS

Section 11.01 Separability- Severability

Should any article, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 11.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this ordinance.

Section 11.03-02 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 11.04-03 Effective Date

This ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing BodyCity Council of La Vista, Nebraska,

| This third _____ day of June _____, 20032013.

(Seal)

Mayor

ATTEST: _____

City Clerk

CITY OF LA VISTA

SARPY COUNTY, NEBRASKA

SUBDIVISION REGULATIONS

ORDINANCE NUMBER

ADOPTED BY THE CITY OF LA VISTA, NEBRASKA
JANUARY 21, 2014

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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1.01 Name and Citation of Titles.

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

Section 1.02 Purpose

The purpose of this ordinance is to provide for the orderly development of La Vista and its extra-territorial zoning jurisdiction by ensuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety, welfare, sustainability, convenience of the community, and avoidance of excessive city maintenance expense.

Section 1.03 Definitions

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

- 1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.
- 1.03.02 **ALLEY** shall mean a public right-of-way used primarily as a secondary means of access to the abutting property.
- 1.03.03 **BEST MANAGEMENT PRACTICES (BMP)** shall mean a practice, or a combination of practices, that are determined to be effective, practical means (technological, economical, or institutional) of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
- 1.03.04 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatte lands or a combination thereof.
- 1.03.05 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City Attorney which meets the intent of such security required by this ordinance.
- 1.03.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the right-of-way line at a specified distance from the right-of-way line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the right-of-way line and shall be located at the required front yard setback where the lot width shall meet the minimum lot width required in the district.
- 1.03.07 **CHIEF BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the city to enforce the prescribed and adopted building codes for the city. Said individual may be assigned to enforce the Municipal Code, Zoning Ordinance, and Subdivision Regulations for the City of La Vista.
- 1.03.08 **CITY** shall mean the City of La Vista, Nebraska. Also, City Council or governing body.
- 1.03.09 **CITY COUNCIL** shall mean the governing body for the City of La Vista, Nebraska.
- 1.03.10 **CITY ENGINEER** shall mean the city engineer of the City of La Vista employed or retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City or such other engineer as the city may assign in the particular matter.

1.03.10 **CLERK** shall mean the city clerk of the City of La Vista, Nebraska.

1.03.11 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of La Vista, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of La Vista.

1.03.12 **CUL-DE-SAC** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around.

1.03.13 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a permanent vehicular turn-around and is planned for future continuation.

1.03.14 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.

1.03.15 **DEVELOPER** shall mean a buyer of land for building: a person or company that buys land in order to build on it or sell it to others who want to build on it. See also "Subdivider."

1.03.16 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.

1.03.17 **FLOODPLAIN** See definition in the Zoning Ordinance.

1.03.18 **FLOOD FRINGE** See definition in the Zoning Ordinance.

1.03.19 **FLOODWAY** See definition in the Zoning Ordinance.

1.03.20 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

1.03.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as authorized by the City Council or its specific approving authority for public use and ownership.

1.03.22 **LOT** shall mean a parcel, tract, or area of land created in conformance with this ordinance that may be separately owned, used, developed and built upon.

1.03.23 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.

1.03.24 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.

1.03.25 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

1.03.26 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.

1.03.27 **LOT, FLAG** shall mean a lot landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.

1.03.28 **LOT FRONTRAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

1.03.29 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.

1.03.30 **LOT LINE** shall mean the boundary line of a lot.

1.03.31 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.

1.03.32. **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

1.03.33. **LOT, PLATTED** shall mean a lot which is part of a subdivision, the plat of which has been legally approved by the City and recorded in the office of the Register of Deeds for Sarpy County.

1.03.34. **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Sarpy County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this ordinance.

1.03.35. **LOT SPLIT** shall mean a subdivision involving the division of one or two lots with the end result not being greater than two lots.

1.03.36. **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.

1.03.37. **LOT, WIDTH OF** shall mean the minimum distance between the side lot lines occurring between the front and rear setback lines.

1.03.38. **MASTER PLAN** See Comprehensive Development Plan.

1.03.39. **MONUMENT** shall mean an identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

1.03.40. **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure with the exception of a Project Directory Sign as per Section 7.01.05 of the Zoning Ordinance.

1.03.41. **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

1.03.42. **PLANNED UNIT DEVELOPMENT** shall mean a special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Zoning Ordinance as approved by the City Council.

1.03.43. **PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

1.03.44. **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

1.03.45. **PLAT, ADMINISTRATIVE:** Shall provide for lots splits, lot combinations, and property line adjustments which result in lots divided or combined into not more than two (2) lots without having to replat said lot, provided that the resulting lots shall not again be divided without replatting.

1.03.46. **PLAT, FINAL** shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this ordinance. Substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with this ordinance is required.

1.03.47. **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.

1.03.48. **PLAT, REVISED PRELIMINARY** A revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.

1.03.49. **PRIVATE SHARED IMPROVEMENTS** infrastructure improvements such as roads, sewers or utility lines that serve more than one property owner but which are not to be maintained by the City or located in the public right-of-way. Such improvements may be utilized when permitted in a subdivision agreement.

1.03.50. **PROPERTY LINE ADJUSTMENT** is the relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook-ups. See also Plat, Administrative.

1.03.51. **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian and bicycle use only.

1.03.52. **REPLAT** is the act of platting the lots, parcels and easements in a recorded subdivision to achieve a reconfiguration of an existing subdivision or part of an existing subdivision or to increase or decrease the number of lots in the subdivision.

1.03.53. **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, underpasses, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments. The boundary of a street is the right-of-way or easement line associated with the street.

1.03.54. **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.

1.03.55. **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.

1.03.56. **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

1.03.57. **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision and shall be the title holder of record.

1.03.58. **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.

1.03.59. **SUBDIVISION AGREEMENT** An agreement between the City of La Vista and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative costs to be borne by the developer and by the public entity.

1.03.60. **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.

1.03.61. **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of La Vista as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the city and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

Section 2.02 General Provisions; Jurisdiction.

The provisions of this ordinance shall apply to all land located within the legal boundaries of the city, as the same may be amended by subsequent annexation, and shall also include all land lying within two (2) miles of the corporate limits of the city, or as indicated on the Official Zoning Map of the city and not located in any other municipality.

Section 2.03 General Provisions; Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat; or in the case of an administrative plat, approval by the City Planner.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the city, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, the county, or the city, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916.

Section 2.04 Applicability.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from this ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 2.05 General Provisions; Interpretation.

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

Section 2.06 General Provisions; Conflict.

No final plat shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 General Provisions; Permits.

Unless a lot shall have been platted in accordance with the provisions of this article, no building permit shall be issued.

Section 2.08 General Provisions; Amendments.

Any provisions of this ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the City Council; provided, however, that such amendments shall not become effective until after a public hearing and consideration by the Planning Commission, and a public hearing by the City Council in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the City of La Vista at least one (1) time, ten (10) days prior to such hearings.

Section 2.09 General Provisions; Modifications.

Where, in the case of a particular proposed subdivision, the subdivider can show that the strict compliance with this ordinance would result in extraordinary hardship to the subdivider because of unusual topography or other such conditions not inflicted by the applicant, or where conditions would result in inhibiting the achievement of the objectives of this ordinance, the City Council, after receiving a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision, will not have the effect of nullifying the intent and purpose of the regulations, and will not interfere with carrying out the Comprehensive Development Plan of the City. See Article 8 regarding Waivers.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data.

Pre-application Plans and Data: At least 30 days prior to filing an application for approval of a preliminary plat the subdivider shall submit plans and data to the City in draft form showing ideas for the proposed subdivision of land. The draft plan shall include:

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

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

Section 3.02 Procedure for Approval of Preliminary Plat.

- 3.02.01 Before any subdivider contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of La Vista or which is within the extraterritorial jurisdiction of the City of La Vista the subdivider or subdivider's representative shall file a preliminary plat of said subdivision with the City of La Vista. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to city staff prior to any grading. The construction of infrastructure shall not commence until approval of the final plat and approval of the infrastructure plans. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.
- 3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 3.02.03 Twelve (12) full sized copies of the preliminary plat and required supplementary material as specified in Section 3.03 of this ordinance as well as a digital copy in PDF format shall be submitted in accordance with the review schedule. City staff shall distribute one (1) copy of the preliminary plat with a request for comments to the school district and other entities, as the city deems appropriate. Additional copies shall be requested prior to submittal to Planning Commission and City Council for their review.
- 3.02.04 The Planning Commission will consider the preliminary plat and will:
 1. Review the preliminary plat and other material submitted for conformity thereof to this ordinance,
 2. Review any recommendations of the school district and other entities, and
 3. Recommend changes deemed advisable and the kind and extent of improvements to be made by the subdivider.The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
- 3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
- 3.02.06 The City Council may (a) concur with the Planning Commission's recommendation; (b) reverse the Planning Commission's recommendation; or (c) refer the preliminary plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation.
- 3.02.07 Approval of a preliminary plat shall not constitute approval of the final plat. Rather, the preliminary plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the final plat. Approval of the preliminary plat shall become void after twelve (12) months from the date of such approval by City Council. The City Council may provide for an extension however such extension shall not exceed one year. If no final plat has been filed or a final plat of previously proposed phases has not been filed within the original twelve (12) months, or by the end of the extension, the preliminary plat will

will become void.

3.02.08 The filing fee for the preliminary plat shall be in accordance to the City's Master Fee Schedule.

Section 3.03 Preliminary Plat Specifications.

The preliminary plat shall be drawn to a scale of at least one inch (1) to one hundred feet (100'), or as approved by the City Engineer, with a sheet size not to exceed 42" x 30" and shall be plainly marked "preliminary plat" and shall include, show, or be accompanied by the following information, unless deviations are required by the City Engineer or City Planner:

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 Both existing and proposed grades, with contours at intervals of five (5) feet or less.
- 3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 3.03.04 The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.
- 3.03.05 The proposed names and addresses of the owner and subdivider and the engineer or surveyor (licensed to practice in Nebraska) responsible for the subdivision layout.
- 3.03.06 The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and acreage of the proposed development.
- 3.03.07 Width and location of platted streets and alleys within 200 feet of the property, physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision, the location of all existing utilities with their sizes indicated, as well as flow lines, elevations of existing sanitary and storm sewer, and the outline of wooded areas (the location of important individual trees may be required).
- 3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land.
- 3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and land proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.
- 3.03.10 The location and width of proposed streets, all easements including buffer easements, rights-of-way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.
- 3.03.11 When wetlands and jurisdictional waterways exist, or are believed to exist, provide a delineation prepared by a qualified environmental specialist.
- 3.03.12 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.
- 3.03.13 All established floodway, flood fringe, and flood plain overlay lines.
- 3.03.14 The existing zoning classification, building setback lines, and proposed uses of land within the proposed subdivision.
- 3.03.15 Three (3) draft paper copies, along with a digital copy in an editable format, of a subdivision agreement with itemized cost estimates for infrastructure improvements with proposed allocation of costs between sources of funding, letter size exhibits setting forth size and location of infrastructure improvements, and two (2) copies of full-size exhibits setting forth size and location of infrastructure improvements. The draft subdivision agreement shall include a statement of the estimated Storm Water Management Fees in accordance with Chapter 154 of the City Code to be generated through ultimate development of the subdivision. Draft subdivision agreements shall be required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. Draft subdivision agreements may be required in other cases as determined by the City.
- 3.03.16 Three (3) copies of an erosion control plan.
- 3.03.17 Requests for waivers of design standards, if any.
- 3.03.18 The subdivider or subdivider's representative shall be in attendance at the Planning Commission and City Council meetings when the preliminary plat is discussed.
- 3.03.19 A traffic impact analysis may be required by the city engineer.

3.03.20 Four copies of the following documents are to be submitted to the City for review at the time of the preliminary plat submittal:

1. A sanitary sewer plan.
2. A surface storm drainage plan including provisions for water quality improvements to the first one-half inches (0.5") of runoff from the site and to reduce stormwater discharge rates after development of the site to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge).
3. A street profile plan with a statement of proposed street improvements.
4. A Post-Construction Storm Water Management Plan, as provided in Chapter 154 of the City Code, with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's. A draft Maintenance Agreement and Easement shall be included with this submittal.

Section 3.04 Procedure for Approval of Final Plat.

3.04.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.

3.04.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.

3.04.03 Twelve (12) folded full sized copies and a digital copy in PDF format of the final plat and required supplementary material as specified in Section 3.05 of this ordinance shall be submitted in accordance with the review schedule. If requested, additional copies shall be provided prior to submittal to Planning Commission and City Council for their review.

3.04.04 Upon approval of the final plat, a certification of approval by the City shall be endorsed thereon by the mayor and the Planning Commission chair, and the original shall be filed with the Sarpy County Register of Deeds, with additional plats filed as required by the city or county.

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

3.04.06 Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds. It shall be the responsibility of the subdivider to furnish the City Planner documentation of compliance within the (90) day period. A thirty (30) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee. The filing fee for the final plat shall be in accordance to the City's Master Fee Schedule.

Section 3.05 Final Plat Specifications.

After approval of the preliminary plat by the City Council, the subdivider shall prepare and submit to the city a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of at least one (1") inch to one hundred (100) feet, with a sheet size not to exceed 42"x30" accompanied by the following information unless deviations are approved or required by the City Engineer or City Planner:

3.05.01. Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

3.05.02. North arrow and graphic scale.

3.05.03. Lot layout, street names, location and rights-of-way width for all streets within or abutting the plat shall be shown, and adjacent subdivisions.

3.05.04. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the Measurement Specifications and Positional Tolerance described under the Technical Minimums section of the "Minimum Standards For Surveys," adopted by the Nebraska State Board of Examiners for Land Surveys.

3.05.05. Fractional lines and corners of the government, township, and section surveys shall be approximately labeled and dimensioned as applicable to the plat.

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

3.05.07. Bearings, based on assumed meridian approximating north, of all boundary lines or internal angles of all angle

points on the boundary shall be shown.

3.05.08. The minimum unadjusted acceptable error of closure for any portion of the plat shall be 1:7,500.

3.05.09 Location of lots including square footage of each lot for lots other than single family residential, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.

3.05.10. All distances shall be shown in feet to the nearest one-hundredth (1/100) of a foot.

3.05.11. A notarized dedication signed and acknowledged by all parties having any titled interest in or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01. If no mortgage holders, provide a statement to that effect from a title company.

3.05.12. A block for the certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.07.

3.05.13. A block for the approval of the Planning Commission as per Section 10.03.

3.05.14. A block for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk as per Section 10.04.

3.05.15. A legal description including total acreage.

3.05.16. A block / space for Certificate of County Register of Deeds as per Section 10.05.

3.05.17. A block for review by Sarpy County Public Works as per Section 10.06.

3.05.18. A block for the approval of the lending institution as per Section 10.10, if applicable.

3.05.19. A block for surveyors certification as per Section 10.02.

3.05.20. Three (3) copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.

3.05.21. Prior to approval of the City Council, at least five (5) original signed and notarized, readable and reproducible 18" x 24" minimum to 30" x 42" maximum Mylar copies of the final plat with a 1.5" border and one 1- 11" x 17" shall be submitted as well as one (1) electronic copy on a compact disc or DVD (AutoCAD or compatible file to the City Engineer and Sarpy County's needs).

3.05.22. Plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §86-1601 to 86-1606, except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States feet and decimals of a foot shall be required pursuant to Neb. Rev. Stat. §86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.

3.05.23. Statement of estimated costs and financial assumptions for any possible sanitary and improvement district (SID) connection fees.

3.05.24. Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private and if City, SID or other form of public debt is to be incurred, the data must include a breakdown for each type of improvement showing detailed quantities and costs to be specially assessed or otherwise to be borne by the subdivider and those costs proposed not be borne by special assessment or otherwise borne by the subdivider (the latter sometimes referred to as "General Obligation").

3.05.25. Preparation of an acceptable subdivision agreement prior to City Council action.

3.05.26. Waivers being requested, if any.

3.05.27. The final plat shall then be submitted to the City Council for approval and adoption prior to the start of construction of public or private infrastructure improvements. .

Section 3.06 Vacation of Plat of Record.

3.06.01 A subdivider may make application to the City to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.

- 3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.
- 3.06.02 The subdivider shall present a proposal to the City, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration send a recommendation to the City Council. The City Council, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.
- 3.06.03 The filing fee for the vacation of a plat shall be in accordance to the City's Master Fee Schedule.

Section 3.07 Replots

Whenever a subdivider requests a re-subdivision of a parcel consisting of ten (10) or fewer lots, the city may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the City Engineer, separate submission will not serve the public interest and will not conflict with the intent of this ordinance.

- 3.07.01 Replots shall be discussed with the city at a scheduled pre-application conference, as set out in Section 3.01.
- 3.07.02 Submitted in accordance with the review schedule;
- 3.07.03 Follow the procedure set forth herein and provide the required information for preliminary and final plats;
- 3.07.04 Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least fifteen (15) days prior to the next regular meeting of the City Council.
- 3.07.05 A final plat, in conformance with Section 3.05, shall be submitted to the city.
- 3.07.06 The filing fee for the replat shall be in accordance to the City's Master Fee Schedule.

Section 3.08 Administrative Plats

3.08.01 The intent of this section is to provide for lot splits and lot consolidations which result in lots divided or combined into not more than two (2) lots without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. Consolidation of ten (10) or fewer lots into not more than two (2) lots may be permitted without having to replat, provided requirements of section 3.09.03 are not warranted. City staff shall review the administrative plat application and make a final determination.

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

1. A survey of the lot(s),
2. Location of all existing structure(s),
3. Location and dimensions of the proposed administrative plat,
4. A block for Acknowledgment by Notary as per Section 10.01,
5. A block for Surveyors Certification as per Section 10.02,
6. A block / space for Certificate of County Register of Deeds as per Section 10.05,
7. A block of review from the Sarpy County Public Works as per Section 10.06,
8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.07,
9. A block for the approval of the City as per Section 10.08,
10. A block for the approval of the lending institution as per Section 10.10, if applicable.
11. Size and number of copies as required by the City.

3.08.03 Disapproval of administrative plat shall be based on the following guidelines:

1. A new street or other right-of-way is needed or proposed,
2. Vacations of streets, access control or easements (unless certain easements are determined by city staff to be unnecessary and for which proper release from the corresponding utility companies have been made and filed) are required or proposed,
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.,
4. There is less street right-of-way than required by this ordinance or the Comprehensive Development Plan,
5. All easement requirements have not been satisfied,
6. The administrative plat will result in a tract without direct access to a street,
7. A substandard-sized lot or parcel will be created,
8. The lot has been previously split through the administrative plat process of either the City or the County.

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

3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's Office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

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

3.08.07 After approval from the city staff, all mylars must be certified by all applicable parties. Approval of the plat shall become null and void ninety (90) days from the date of the City Planner's approval if the subdivider does not file the plat with the Register of Deeds. Two (2) copies of the recorded plat shall be filed with the City. A thirty (30) day extension may be granted by the City Planner upon written request of the subdivider and submittal of the required fee.

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Minimum Design Standards.

No subdivision shall be approved unless it is in conformance with the requirements of this ordinance and the Comprehensive Development Plan or a waiver has been granted according to Section 8.01 of this ordinance.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the City has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for remediation are formulated by the developer and approved by the City that would eliminate or substantially reduce such hazards.

The City may require all contiguous land under common ownership to be submitted with the preliminary plat in order to evaluate overall development patterns, extensions of future roads and services, and conformity with the Comprehensive Development Plan.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit, and the preliminary plat shall show, a logical future street and utility system and logical re-subdivision.

Section 4.02 Design Standards; Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets already existing in areas adjacent to the area being subdivided. Where, at the determination of the city with recommendation from the city engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the city engineer deems it necessary, such dead-end streets shall be provided with an acceptable temporary turnaround.

Section 4.03 Design Standards; Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.24 of this ordinance.

Frontage roads may be required by the City for subdivisions fronting on arterial streets.

Section 4.04 Design Standards; Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum right-of-way width requirements set forth in this ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements.

Section 4.05 Design Standards; Intersections.

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Curbs at street intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the City may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street and abuts an arterial street shall have a service drive, curb cut, or other means of vehicular access to the arterial street.

Section 4.06 Minimum Design Standards; Curves in Streets; Horizontal.

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

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in Section 4.24 of this ordinance.

Section 4.07 Design Standards; Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one-half (0.5) of one percent. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in Section 4.24 of this ordinance.

Section 4.08 Design Standards; Frontage Roads/Marginal Access Streets.

Where, upon review by the City, development which abuts or has included within the proposed subdivided area any Arterial, the City may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic. Marginal access or frontage roads shall incorporate year-round screening between these roads and the adjacent arterial streets.

Section 4.09 Design Standards; Access/Egress.

The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets. The city engineer shall determine the most suitable location for said access points during the review period.

Section 4.10 Design Standards; Street Jogs.

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

Section 4.11 Design Standards; Cul-de-sac Streets.

Temporary dead-end streets or cul-de-sacs shall not be longer than three hundred (300) feet and shall provide a turnaround conforming to the requirements of Section 4.24 of this ordinance. The length of the cul-de-sac shall be measured from the center of the turnaround to the center of the intersecting street.

Section 4.12 Design Standards; Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be reviewed by Sarpy County Emergency Management and approved by the City Public Works Director prior to such names being assigned or used.

Section 4.13 Design Standards; Private Streets.

New private streets may be created as part of a Plan Unit Development district, provided such streets are specifically authorized by the City Council and dedicated as access easements. Design standards for private streets shall meet the

requirements of Section 4.24.

Section 4.14 Design Standards; Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand (1,000) feet. Pedestrian easements ten (10) feet wide may be required to be provided through or near the center of blocks more than five hundred (500) feet long in order to provide for pedestrian circulation.

Section 4.15 Design Standards; Lots.

The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to curved street lines.

Section 4.16 Design Standards; Double Frontage or Through Lots.

Double frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten (10) feet in width shall be provided along the lot line of the lots abutting such arterial street and the subdivider shall install trees, shrubbery, fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street. Such screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots.

Section 4.17 Design Standards; Easements.

Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least fifteen (15) feet wide or wider when required by the city engineer.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the City a permanent storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations as determined by the City. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.

Where a subdivision is traversed by the Thompson Creek, Hell Creek, Big Papillion Creek, South Branch Papillion Creek or West Branch Papillion Creek, there shall be provided to the City and the Papio-Missouri River Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails in accordance with Papillion Creek Watershed Stormwater Management Policies. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

Perpetual easements shall be granted to the Omaha Public Power District and any telecommunications entity or other corporation transmitting communication signals authorized to use the city streets under a franchise agreement, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five (5) foot wide strip of land abutting all front and side boundary lot lines, and eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots, and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen (16) foot wide easement will be reduced to an eight (8) foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to Metropolitan Utilities District of Omaha, Black Hills Energy, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting the turn-around portion of all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not, then or later, interfere with the afore-said uses or rights herein granted.

Section 4.18 Design Standards: Storm Sewer System.

The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, Papillion Creek Watershed Plan, and Chapter 154 of the City Code all as amended from time to time. In addition, provisions shall be made to limit the ten (10) year peak rate of storm water discharge from the subdivision. Post-development peak runoff rate shall not exceed one and one-quarter (1.25) times the pre-development runoff rate at any time following post-development based upon a ten (10) year storm event. Pre-development shall be the condition prior to improvements being started, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots.

Section 4.19 Design Standards: Sanitary Sewer System.

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

Section 4.20 Design Standards: Sidewalks.

All sidewalks within subdivisions shall have a minimum pavement width of five (5) feet and minimum pavement thickness of six (6) inches along major or other arterials and four (4) inches everywhere else, all of which shall be located within the right-of-way or pedestrian access easement and not directly abutting any street. Minimum distance between edge of walk and curb shall be six (6) feet.

All sidewalks, crossings, and other segments of a pedestrian system must comply with the standards of the Americans with Disabilities Act. Ramps with truncated domes shall be installed at all public street crossings and private roadway/driveway crossings that have traffic control access.

Section 4.21 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall conform to the flood plain management regulations of the Zoning Ordinance.

Section 4.22 Design Standards: Creek Setback.

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one (3:1) slope plus twenty (20) feet between the water's edge of the stream and the closest point on the structure at grade. For those creeks or streams designated in the Papillion Creek Watershed Plan, the setback shall be increased to allow a maximum three-to-one (3:1) slope plus fifty (50) feet between the water's edge of the stream and the closest point on the structure at grade. As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions.

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

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

Section 4.23 Design Standards; Conformance with Other Regulations.

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing zoning regulations. Whenever there is a variance between the minimum standards set forth in this ordinance and those contained in other regulations, the most restrictive standard shall govern.

Section 4.24 Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³	Minimum Concrete Pavement Thickness ^{4, 7, 8}
Arterial Street ⁶	100'	50'	4	6	(5)	(5)	9"
Collector Street	60'	37'	3	10	300	250'	7"
Local Street and Minor Street	50'	25'	2	10	200	175'	7"
Cul-De-Sac ²	50'	25'	2	10	100	175'	7"
Marginal Access (Frontage Road) (No Parking)	40'	25'	2	8	300	250'	7"

1. Pavement width measured back of curb to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50') feet and the minimum pavement radius for the cul-de-sac turnaround shall be thirty-seven and a half (37.5) feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the city engineer.
3. (VC) - Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by the American Association of State Highway and Transportation Officials (AASHTO).
5. Per Nebraska Department of Roads (NDOR) standards or as directed by the city engineer.
6. All section line roads will be designated as arterial streets, unless otherwise directed by the City Engineer.
7. Streets in commercially zoned subdivisions shall be eight inch thick concrete pavement.
8. Streets in industrially zoned subdivisions shall be nine inch thick concrete pavement.

In the event of conflict with the rules and regulations of the Nebraska Board of Public Roads Classifications and Standards, the more stringent criteria shall govern.

Private Streets shall meet the requirements for Local and Minor streets unless otherwise determined by the City Engineer. The minimum width of the outlot or easement containing the private roadway shall be 50 feet. Required setbacks will be measured from the limit of the outlot or the edge of the roadway easement.

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; General.

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the City upon recommendation of the city engineer.

The work shall be done in accordance with specifications approved by the City and shall be completed within the time limitations established in Section 7.02.05. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services shall be the minimum standards required thereof.

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

Section 5.02 Required Improvements; Monuments and Markers.

Monuments and markers placement shall be as follows:

- 5.02.01 Concrete monuments shall be located at all quarter section points or other reference points tied to the federal survey system on the boundaries of or within the area being platted.

Section 5.03 Required Improvements; Monument Construction.

Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Nebraska State Board of Examiners and Land Surveyors.

Section 5.04 Required Improvements; Street Grading and Construction.

- 5.04.01. All streets shall be graded to the full width of right-of-way and to within six (6) inches of the street grade established in the approved final construction plans and specifications. Final construction plans shall be in conformance with Section 4.24.
- 5.04.02. Higher design standards may be required by the City to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.
- 5.04.03. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless a waiver is granted by the City Council in accordance with Section 8.01.
- 5.04.04. The applicant shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements as administered by the State of Nebraska, the Papio-Missouri River Natural Resources District, and the Papillion Creek Watershed Partnership.

Section 5.05 Required Improvements; Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and Hydrants.

- 5.05.01. At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles. Signs shall comply with the Manual of Uniform Traffic Control Devices.
- 5.05.02. The subdivider shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District, subsequent providers, or the city engineer.
- 5.05.03. New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet applicable specifications for installation.
- 5.05.04. All hydrants will be located at a maximum of four hundred fifty (450) foot intervals, unless otherwise authorized by the City. The layout and flow design must meet the minimum requirements as set forth by the City.
- 5.05.05. Gas, water, power, and communication facilities shall be provided by the utility companies authorized by the City to provide such service and shall be at the subdivider's expense.

Section 5.06 Required Improvements; Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such landscape screen shall be installed prior to the issuance of a certificate of occupancy for the main structure on each of such lots, or upon completion of the infrastructure.

Section 5.07 Required Improvements; Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, the Papillion Creek Watershed Plan, and Chapter 154 of the City Code, all as amended from time to time. Storm sewer shall be constructed and installed to provide adequate drainage in accordance with any supplemental recommendations of the city engineer. In addition, the subdivider shall submit a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be submitted with the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision demonstrate no adverse impacts on downstream drainage systems.

5.07.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for ten (10) year and one hundred (100) year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each proposed inlet or pipe junction.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm and capacities for one hundred (100) year frequency storm events to demonstrate adequate conveyance within public right-of-way and/or easements.

5.07.03 **Drainage Requirements.** The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the city engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the city engineer.

Section 5.08 Required Improvements, Sanitary Sewers.

Where a sanitary sewer is accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. All sanitary sewers shall be constructed in accordance with sanitary sewer standards approved by the City Council as well as Section 4.19.

Section 5.09 Required Improvements: Seeding.

The areas of the plat, with the exception of the street rights-of-way, on which the existing vegetation has been destroyed as a result of grading operations, shall be seeded with a seeding formula approved by the City during the first growing

season immediately following the completion of the grading operations and re-seeded until a satisfactory turf is established. The use of sod, rather than seeding, is an acceptable alternative.

Section 5.10 Required Improvements: Water Mains .

The subdivision shall be provided with an adequate water supply system which shall be connected to an approved water supply source. The water system shall be operated by a utility company authorized by the City.

Section 5.11 Required Improvements: Roadway Improvements.

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

Section 5.12 Shared Private Improvements.

Where more than one lot will share an infrastructure improvement and such improvement is not to be owned or maintained by the City, the improvement shall be designed to the requirements of this article.

ARTICLE 6: DEDICATIONS AND RESERVATIONS OF PUBLIC LAND

Section 6.01 Dedication.

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

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

Section 6.02 Reservation and Dedication of Public Land and Open Space.

Before preliminary or final plat approval is given, the City may require the subdivider to reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the City. Reservation of land for public acquisition and/or use shall be for a period not to exceed five (5) years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said five (5) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site after giving written notice to the City to make a determination on acquisition.

In certain situations, the contemplated use of land creates or contributes to the public need for land or facilities including but not limited to recreational and public safety facilities created by the nature of the development and use of land. In such situations, the City may require dedication and/or other appropriate subdivider contribution to the cost of satisfying such need.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the City will determine the density and location of said park or other public use and may require the immediate acquisition or reservation of such area or may accept the dedication of such area.

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Platting, Etc. Costs.

In order to provide consistent information concerning the financing of required subdivision improvements, establish an equitable division of costs between the developer and City, and to ensure orderly, cost effective growth in the City of La Vista, the City shall require that the subdivider pay for the following services and improvements indicated as part of the subdivision process:

- 7.01.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, erosion control, drawings, and related services.
- 7.01.02. Unless otherwise agreed to by the City in a subdivision agreement, the subdivider shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

Section 7.02 Subdivision Improvements Guarantees.

After the City Council approves the final plat, the following must be submitted for review and acceptance by the City prior to releasing the final plat to be recorded:

- 7.02.01 Improvement plans, using city datum, prepared by a professional engineer registered in the State of Nebraska, for paving, sanitary and storm sewers, and other public improvements identified in the subdivision agreement, on 24-inch by 36-inch sheets, at a horizontal and vertical scale approved by the City Engineer.
- 7.02.02 Verification of the location and installation of all boundary and lot pins.
- 7.02.03 Payment of all required fees identified in the subdivision agreement.
- 7.02.04 Verification that all improvements required by this chapter have been satisfactorily arranged for though one or a combination of the following:
 1. All improvements have been installed and have been accepted by the City Engineer; or
 2. A surety bond, or comparable instrument acceptable to the City Attorney, has been posted to cover one-hundred and ten percent (110%) of the cost of all improvements; or
 3. City street and sewer districts have been formed providing for the installation of improvements; or
 4. Sanitary and improvement district contracts have been executed covering the installation of all required improvements, except public utility improvements described in the subdivision agreement.
- 7.02.05 The subdivider shall complete installation of the required improvements, in compliance with the street surfacing, sanitary sewer, and storm drainage requirements, within two years after the final plat has been approved by the City Council. Such period may be extended by the City Council upon a showing by the developer that lot sales and development do not warrant such installation.
- 7.02.06 The bond or other surety shall be released upon installation of the required improvements and approved by the City Engineer. If the improvements are not completed within the specified or extended periods of time, or constructed in accordance with the approved plans and specifications the surety bond shall be forfeited and used by the City to complete the installation of the improvements.
- 7.02.07 The subdivider shall record the final plat with the County Register of Deeds within ninety (90) days from the date of approval of the plat by the City Council.

Section 7.03 Improvements: Financing.

7.03.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the subdivider may petition the City to create City Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision build out, the City's evaluation of the debt impact on the City, or other sufficient reason as determined by the City, the City may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to twenty percent (20%) or more of the cost of improvements as determined from the city engineer's estimates prior to receipt of bids and award of contracts. The City may finance up to eighty percent (80%) of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the final plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the final plat.

7.03.02 As to those portions of the subdivision that are situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the subdivider may cause such improvements to be constructed by a street improvement district or sanitary and improvement district in accordance with the appropriate state law. However, the city engineer shall not certify to the City that the required improvements have been satisfactorily arranged for until the subdivider presents certified evidence that the improvement district has been duly formed and has executed contracts for the required work in that portion of said street improvement district or sanitary and improvement district included in the final plat. It is further provided, however, that if the City has approved a final plat for a phase of the area comprised in the preliminary plat, the subdivider may submit for final platting of the next phase only if the required improvements have been installed in the first phase, or have been contracted for as above provided in the phase comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

7.03.03 Whether within or without the corporate limits of the City, expenditures of public debt may not exceed the amount to be received from special assessments in respect to the improvements, except as the City may otherwise agree.

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

7.03.05 When private financing is proposed, the subdivider is required to submit proof of financial capability to construct the proposed infrastructure.

Section 7.04 Subdivision Agreement.

No contract for the construction of public improvements involving any subdivision in the within the city limits or extraterritorial jurisdiction of the city of La Vista shall be let, awarded, or otherwise consummated by the subdivider unless first entering into a formal subdivision agreement between the city, the subdivider, and/or the Sanitary Improvement District concerning land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, erosion and sedimentation control methods, both temporary and permanent, and assessments for the costs to be incurred as a general obligation by the Sanitary Improvement District, development corporation, or other persons to be involved in this contract. The city will consider all sections of Article 7 of this ordinance in entering a contractual agreement covering the assessment of costs for public improvements.

Section 7.05 Installation of Improvements.

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

7.05.01 Install required improvements upon approval of plans and specifications by the City Council.

7.05.02 Submit a petition requesting the City to construct the improvements in the proposed subdivision by the district method. The subdivider shall have plans and specifications prepared and pay all costs for same prior to receiving approval by the city engineer and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law and in accordance with the subdivision agreement.

Section 7.06 Plan and Administration Review Reimbursement.

The subdivider or the sanitary and improvements district shall reimburse the City for such costs incurred by the City for plan review, plan check, and plan approval as to conformance with approved City standards and specifications.

Subdivider, or the SID, shall pay to the City an amount equal to two percent (2%) of the actual construction cost of subdivider paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made on the basis of two percent (2%) of the construction and/or installation cost estimates for the various improvements computed by the subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for final approval.

Section 7.07 Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with this section within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall authorize actions to proceed in accordance with Section 7.02.06 of this ordinance.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 7.08 Certification and Inspection.

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

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

- 7.08.01 That all required improvements are complete.
- 7.08.02 That these improvements are in compliance with the minimum standards specified by the City.
- 7.08.03 That there are no known defects from any cause in the improvements.
- 7.08.04 That these improvements are free and clear of any encumbrances or lien.

If the city engineer or other authorized person has certified that the improvements are complete and free from defect, the City shall accept any dedication of improvements. The City may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

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

Section 7.09 Reduction of Guarantees.

In those cases where improvement guarantees have been made under Section 7.02 of this ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 and 7.10 of the dedication and acceptance of a portion of the improvements.

Section 7.10 Release of Guarantee.

Upon acceptance, in accordance with Section 7.02.06 of the ordinance, the City shall authorize the release of the performance bond or the escrow.

Section 7.11 Operation and Maintenance.

It is the intention of the City to provide no services other than planning, zoning, building code enforcement, and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the City a precise method for the operation and maintenance of improvements in the subdivision. Said method may include formation of districts, owners' associations or other methods to operate and maintain such improvements. Said method shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

ARTICLE 8: WAIVERS

Section 8.01 Granting of Waivers (Exceptions) and Conditions.

In addition to the exceptions contained in this ordinance, the Planning Commission may recommend and the City Council may grant waivers from the provisions of this ordinance, but only after determining that:

- 8.01.01. There are unique circumstances or conditions affecting the property that are not merely for the convenience or profit of the subdivider.
- 8.01.02. The waivers are necessary for the reasonable and acceptable development of the property in question.
- 8.01.03. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 8.02 Planned Unit Developments.

The Planning Commission and City Council may also grant reasonable waivers to this ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development. The subdivider shall indicate where the plans vary from the requirements of this ordinance and shall present evidence to support such requests.

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

Section 9.01 General.

The following apply towards administration of this ordinance:

- 9.01.01 It shall be the duty of the city staff to enforce this ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 No owner or agent of an owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved in accordance with the provisions of this ordinance, and filed for recording with the Sarpy County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this ordinance shall not be permitted. All subdivisions shall be subject to all the requirements contained in this ordinance.
- 9.01.04 No permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this ordinance.

Section 9.02 Amendments

Any provision of this ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after a public hearing and recommendation of the Planning Commission to the City Council.

Section 9.03 Violation and Penalties.

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01: Acknowledgement of Notary

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF SARPY

On the _____ day of _____ 20____, before me, the undersigned Notary Public, duly commissioned and qualified in aforesaid county personally appeared _____, known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledged the execution thereof to be his/her voluntary act and deed as said _____.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

_____ (SEAL)

Notary Public

Section 10.02: Surveyor's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat meets or exceeds the "Minimum Standards for Surveys" adopted by the Nebraska State Board of Examiners for Land Surveyors. Further, I hereby certify that I have made a boundary survey of the subdivision described heron and that permanent markers will be set (or have been set) at all lot corners, angle points and at the ends of all curves within the subdivision to be known as _____ being a platting (or replatting) of _____, described as follows: (insert boundary description) containing _____ acres, more or less.

_____ (Surveyor, RLS #)

_____ Date

(seal)

Section 10.03: Approval of La Vista City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

This plat of _____ was approved by the La Vista Planning Commission this _____ day _____ 20____

_____ Chairperson, La Vista Planning Commission

Section 10.04: Acceptance by La Vista City Council

ACCEPTANCE BY LA VISTA CITY COUNCIL OF

This plat of _____ was approved by the City Council
of the City of La Vista, Nebraska on this _____ day _____ 20____, in accordance
with the State Statutes of Nebraska.

_____ (City of La Vista SEAL)

Mayor

ATTEST _____

City Clerk

Section 10.05: Acceptance by Sarpy County Register of Deeds

A 5" x 2 1/2" space in the upper right hand corner to allow for the placement of a recording "sticker".

Section 10.06: Review by Sarpy County Public Works

REVIEW OF SARPY COUNTY SURVEYOR

This plat of _____ was reviewed by the office of Sarpy
County Public Works on this _____ day of _____, 20_____

_____ Sarpy County Public Works (SEAL)

Section 10.07: County Treasurer's Certifications

COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's
Certificate and embraced in this plat as shown by the records of this office.

_____ County Treasurer

_____ Date

(SEAL)

Section 10.08: Administrative Plat Approval

APPROVAL OF CITY OF LA VISTA

This Administrative Plat was approved by the City of La Vista this _____ Day of _____, 20____.

_____ City Clerk

_____ Mayor

(City of La Vista SEAL)

_____ City Planner

Section 10.09: Owners Certification

OWNERS CERTIFICATION

I/we the undersigned _____ owner(s) of the real estate shown and _____ (names) described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the City of La Vista, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature

Signature

Section 10.10: Lien Holder Consent

The undersigned holder of that certain lien against the real property described in the plat known as _____ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. _____ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

(Name of lien holder)

By: _____

(Print the Name of Individual)

Title: _____

ARTICLE 11: LEGAL STATUS PROVISIONS

Section 11.01 Severability

Should any article, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 11.02 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 11.03 Effective Date

This ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the City Council of La Vista, Nebraska,

This _____ day of _____, 2013.

(Seal)

Mayor

ATTEST: _____

City Clerk