

Chapter 170, SUBDIVISION OF LAND

[HISTORY: Adopted by the City Council of the City of Papillion 12-4-1990 as Ch. 12 of the 1990 Code. Amendments noted where applicable.]

NEBRASKA STATUTE REFERENCES

Generally -- See Neb. R.R.S. § 19-929 et seq.

Section 170-22C(2)(h) -- Neb. R.R.S. § 16-707.

GENERAL REFERENCES

Planning Commission -- See Ch. 9, Art. III.

Building construction and other construction codes -- See Ch. 92.

Sewers -- See Ch. 158.

Wellhead protection -- See Ch. 198.

Zoning -- See Ch. 205.

ARTICLE I. General Provisions

§ 170-1. Title.

This chapter may be known and may be cited and referred to as "Subdivision Regulation Ordinance of the City of Papillion, Nebraska," to the same effect as if the full title were stated.

§ 170-2. Purpose.

The subdivision regulations as herein set forth are intended to provide for harmonious development of the City of Papillion, Nebraska, and its environs; for the integration of new subdivision streets with other existing or planned streets of the Comprehensive Plan of the City of Papillion, Nebraska; 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 ensure conformance of subdivision plans with the capital improvement program of the City of Papillion, Nebraska, and its planning area; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers and the City of Papillion Planning Commission and governing body City Council.

§ 170-3. Jurisdiction.

The provision of these defined regulations shall apply within the area of planning jurisdiction as deferred on the Official Zoning Map of Papillion, Nebraska, as the same may be amended by subsequent annexation.

§ 170-4. Approval required prior to recording.

No plat of a subdivision of land lying within the planning area of Papillion, Nebraska, shall be filed or recorded until it shall have been submitted to by the Papillion Planning Commission and a report and recommendation thereon made to the governing bodyCity Council, and the governing bodyCity Council has approved the final plat.

ARTICLE II. Application of Regulations

§ 170-5. Applicability.

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval, and recorded as herein presented. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Further, the regulations set forth by this chapter shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this chapter, except as hereinafter provided.

- A. Each separate principal use building within the planning jurisdiction of the city shall be situated on a separate and single subdivided lot of record unless otherwise provided in Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska.
- B. These regulations shall apply not only to subdivisions as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to subdivisions or parts thereof already platted and approved which are undeveloped, wholly or partially.
- C. These regulations shall not apply to subdivisions of burial lots in cemeteries.
- D. These regulations shall not apply to a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street.

§ 170-6. Construal of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this chapter require or impose standards than are required in any other ordinance, the provisions of this chapter shall govern. Whenever the provisions of any other ordinance require or impose higher standards than are required by the provisions of this chapter, the provisions of such ordinance shall govern.

ARTICLE III. Terminology

§ 170-7. Rules of construction.

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this chapter.

- A. Tense. Words used in the present tense include the future tense.
- B. Number. Words used in the singular include the plural, and words used in the plural include the singular.
- C. Shall and may. The word "shall" is mandatory; the word "may" is permissive.
- D. Gender. The masculine shall include the feminine and neuter.
- E. Headings. In the event that there is any conflict or inconsistency between the heading of an article, section or subsection of this chapter and the context thereof, said heading shall not be deemed to affect the scope, meaning or intent of such context.

§ 170-8. General terminology.

- A. The word "City" shall mean the City of Papillion, Nebraska.
- B. The words "City Council" shall mean the City Council of Papillion, Nebraska.
- C. The words "Planning Commission" shall mean the Planning Commission duly appointed by the City Council.

§ 170-9. Definitions.

- A. Text of definitions. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ALLEY -- See "thoroughfare."

AMERICANS WITH DISABILITIES ACT (or ADA) – A civil rights legislation adopted by the federal government that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services.

CHIEF BUILDING OFFICIAL -- The City Chief Building Official.

BUILDING LINE -- See "setback line."

CITY ENGINEER -- The City Engineer appointed by the City Council. For the purposes of this Chapter, the definition shall include any authorized designee of the City Engineer.

CLERK -- The City Clerk.

CLUSTER DEVELOPMENT -- A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space or the preservation of historically or environmentally sensitive features.¹

COLLECTOR STREET -- See "thoroughfare."

COMMON OPEN SPACE -- An area of land or water, or combination thereof, planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways, or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

COMMON SEWER SYSTEM -- A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent to a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM -- A water system which provides for the supply, storage, and distribution of potable water on an uninterrupted basis and which is in public ownership.

COMPREHENSIVE PLAN (GENERAL DEVELOPMENT PLAN) -- The plan or series of plans for the future development of the city recommended by the Planning Commission and adopted by the City Council including any amendments to said plan(s) approved by City Council.

CUL-DE-SAC -- See "thoroughfare."

CULVERT -- A transverse drain under a street or driveway.

DEAD-END STREET -- See "thoroughfare."

DEVELOPER -- Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.

DISTRICT -- A portion of the City of Papillion within which certain regulations and requirements apply under the provisions of this chapter. ²

EASEMENT -- A grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose or purposes.

ENGINEER -- Any person who is designated by the City to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

FRONTAGE -- The length of the property abutting on one side of a street measured along the dividing lines between the property and the street.

GOVERNING BODY -- That body having jurisdiction of the zoning area.

IMPROVEMENTS -- Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOOP STREET -- See "thoroughfare."

LOT -- A parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public or private street and may consist of a single lot of record; a combination of complete lots of record and portions of lots of record; a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

LOT, CORNER -- A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines and the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five degrees (135°).

LOT DEPTH -- The distance between the midpoints of a straight line connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE -- The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this article.

LOT, INTERIOR -- A lot other than a corner lot with only one frontage on a street.

LOT OF RECORD -- A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, REVERSED-FRONTAGE -- A lot in which the frontage is at right angles or approximately right angles, interior angle less than one hundred and thirty-five degrees (135°), to the general pattern in the area.

LOT, THROUGH -- A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a "double-frontage lot."

LOT WIDTH -- Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

LOT, ZONING -- A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

MONUMENTS -- Monumentation Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment shall be in conformance with the minimum standards for surveys adopted by the Nebraska State Board of Examiners for Land Surveyors.

OCCUPANCY -- See § 170-22G.

OPEN SPACE -- An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts and/or any other recreational facilities that the governing body City Council deems permissive. Streets, structures for habitation and the like shall not be included.

OUTLOT -- A portion of a subdivision intended and reserved, as a unit, for public purposes or private common area that has restrictions for transfer of ownership and building development which are designated by the subdivider at the time of filing the initial plat.

PEDESTRIAN WAYS -- Tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.

PLANNED UNIT DEVELOPMENT -- 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 Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska, and as approved by the City Council.

PLANNING DEPARTMENT -- The department authorized and empowered by the City Council governing body having jurisdiction to administer the requirements of these subdivision regulations this Chapter.

PLANNING DIRECTOR -- The Planning Director appointed by the City Council. For the purposes of this Chapter, the definition shall include any authorized designee of the Planning Director.

PLAT -- A map, drawing or chart which delineates the subdivision of land as presented by the developer. A plat commonly shows lots, blocks, streets, and other features relevant to the development and improvement of the property.

PLAT, FINAL -- The final plan of the plat, subdivision, or dedication of land prepared for filing or recording in accordance with these regulations this chapter.

PLAT, PRELIMINARY -- A map, drawing, or chart with supporting documents, which represents a subdivision proposal upon which a final plat is to be based. A preliminary plat is not intended as a document to be filed of record.

PUBLIC HEARING -- A meeting held pursuant to a public notice published at least one time, ten (10) days prior to the meeting, in a newspaper of general circulation within the City of Papillion, which notice shall set forth date, time, and place of meeting and the legal description of the real estate involved.

PUBLIC RIGHTS-OF-WAY ACCESS GUIDELINES (PROWAG) --- Guidelines developed by the United States Access Board to cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. PROWAG requirements shall also apply to all public streets within dedicated easements or outlots. All references in this document to "ADA" shall include PROWAG.

PUBLIC WAY -- An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, viaduct, walk, or other ways in which the general public or a public entity has a right or which are dedicated, whether improved or not.

REPLAT -- A plat representing land which has previously been included in a recorded plat.

RIGHT-OF-WAY -- A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (as required by the topography or treatment), such as grade separation, landscaped areas, viaducts, and bridges.

SETBACK LINE -- A line established by Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as provided in said codes.

SEWERS, CENTRAL OR GROUP -- See "common sewer system."

SEWERS, ON-SITE -- A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials' jurisdiction and the State of Nebraska Department of Environmental Quality environmental control.

SIDEWALK -- That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See "walkway."

SUBDIVIDER -- A person, group, corporation, partnership, or other entity, or any agency thereof dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION -- The division of any lot, tract, or parcel of land shown as a unit or as contiguous units on the last preceding tax roll prior to February, 1980, into two or more parcels, sites, or lots, any one of which is less than 10 acres for the purpose, whether immediate or future, of transfer of ownership or building development; provided, however, that the division or partition of land into parcels of more than ten (10) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

STREET LINE -- A dividing line between a lot, tract, or parcel of land and the contiguous street; the right-of-way line of a street.

THOROUGHFARE, STREET, or ROAD -- The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- (1) ALLEY -- A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty 20 feet (20') or less in width.
- (2) ARTERIAL STREET -- A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits and curb use.
- (3) COLLECTOR STREET -- A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

- (4) LOCAL STREET -- A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.
- (5) CUL-DE-SAC -- A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicle turnaround.
- (6) DEAD-END STREET -- A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- (7) LOOP STREET -- A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the one hundred and eighty degree (180°) system of turns are not more than 1,000one thousand feet (1,000') from said arterial or collector street nor normally more than 600 six hundred feet (600') from each other.
- (8) MARGINAL ACCESS STREET (also called "frontage street") -- A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

TREE CANOPY -- The collective branches and foliage of a group of five (5) or more tree crowns, usually represented as canopy diameter measured across the canopy from drip line to drip line at an average canopy width.

VICINITY MAP -- A drawing located on the preliminary plat which sets forth the geographic relationship of the proposed subdivision to the surrounding area. Features to be noted on the vicinity map include major streets, railroads, and public areas.

WALKWAY -- A dedicated public way, four feet (4') or more in width, for pedestrian use only, whether along the side of the road or not.

YARD -- That portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska. A required open space, other than a court, on the same lot with a building, unoccupied or obstructed by a structure of any sort from the ground upward. ³

YARD, FRONT -- The space extending the full width of a lot, lying between the front lot line and the front setback line. A yard extending across the front of a lot measured between the side yard lines and being the minimum horizontal distance that is between the street line and the main building or any projection thereof other than steps and unenclosed porches; on corner lots, the front yard shall only be provided on the street upon which the front of the building faces.

YARD, REAR -- The space extending the full width of a lot, lying between the rear lot line and the rear setback line. A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

YARD, SIDE -- The space extending from the front yard to rear yard, lying between the side yard setback line and the interior lot line. A yard extending from the principal building to the side lot line on both sides of the principal building between the line establishing the front and rear yards.

YARD, STREET SIDE -- On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

ZONING AREA -- The area subject to the provisions of zoning and subdivision regulations as set on the Official Zoning Map of the City of Papillion, Nebraska.

ARTICLE IV. Plat Review and Submittal Requirements

§ 170-10. Preapplication conference.

Whenever the owner of any tract or parcel of land has heretofore made, without recording, a plat thereof as required by law, or shall hereafter make or intend to make a subdivision of the same, the subdivider shall, before presenting a preliminary plat, meet and consult informally with the Planning Commission Department for the purpose of ascertaining the location of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. At the same meeting, the subdivider should review with the Planning Commission Department the minimum standards of subdivision design set forth in **Article V** of this chapter. This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. The subdivider shall also submit a vicinity map, showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

§ 170-11. Procedure for subdivision preliminary plat approval.

- A. Preliminary plat approval application submission requirements. After meeting informally with the City Planning Commission the pre-application meeting, the subdivider shall submit to the Planning Administrator Planning Department 15 a PDF and folded paper copies of the preliminary plat and supplemental material as specified within the written preliminary plat application for conditional approval. An AutoCAD file for the preliminary plat and supplemental materials shall also be submitted. Said submission shall occur at least 21 days six (6) weeks prior to the regular meeting of the Planning Commission.
- B. Upon receipt of the preliminary plat application and supplemental materials, The Planning Administrator Department shall distribute one copy of the preliminary plat with a request for comments within ten (10) days to each of the following: City

Engineer, Fire Department, the appropriate school board, and wherever else any other department or agency deemed necessary by the Planning Commission Director.

B. (Reserved) ⁴

C. Scale and preliminary plat contents. Preliminary plats shall be a scale of one inch (1") equals 100 one hundred feet (100'), or an alternate scale may be approved by the Planning Director for subdivisions which exceed eighty (80) acres in size or have an irregular shape. in addition, where subdivision contains more than 50 lots, submit plat at a scale of 1 inch equals 500 feet, and All preliminary plats shall be prepared with the following information:

- (1) Name, location, acreage, owner and designer of the subdivision.
- (2) Proposed and existing zoning of the plat and Present zoning zoning of surrounding properties.
- (3) Date, north point arrow, and graphic scale.
- (4) Location of proposed property lines, and roads, existing utilities with size of lines and other underground installations and easements.
- (5) Name of adjoining properties or subdivisions.
- (6) Proposed utility system (type, capacity and the location of major transmission lines and treatment plants).
- (7) Names of new streets.
- (8) Dimensions, lot lines and building setbacks.
- (9) Proposed easements with the purpose and proposed grantees identified.
- (10) Proposed dedications and reservations of land (such as open space, outlots, park land, and school sites) with the purpose, ownership, and maintenance responsibility of outlots identified.
- (11) Existing easements, including the purpose, grantee(s), grantor(s), and instrument number, with a notation of all existing easements proposed to be vacated.
- (12) Location of existing buildings.

(9) Location of proposed culverts, retention ponds, and other drainage provisions, including floodplain information with drainage calculations.

(10) Contours at fivetwo-foot intervals at a scale of no less than 1 inch equals 100 feet.

D. Supplemental materials. The subdivider shall submit, as supplemental materials,

(11) plans for the Pproposed improvements. Required exhibits shall include and grading concepts, :

(a) Grading Plan;

(b) sStreet profiles and;

(b) Streets and Storm Sewer Plan;

(c) Sanitary Sewer and Water Plan;

(d) Preliminary cost estimates for public improvements.;

(e) PROWAG Plan;

(f) Post-Construction Stormwater Management Plan (PCSMP);

(g)Drainage Study which includes PCSMP treatment calculations;

(h) Existing Conditions Plan with location of existing property lines, existing improvements (such as buildings, driveways, utilities, etc.) and existing trees, including major stands of trees, tree canopies, and individual specimen trees with a trunk caliper over six inches (6");

(i) Plat Phasing Plan (if applicable);

(j) Floodplain Plan (if applicable);

(k) Traffic Impact Study (if requested by the Planning or Engineering Department);

(12) Location of existing buildings.

(13) Proposed easements, dedications and reservations of land required shall be provided.

(14) Location of existing trees, including major stands of trees, tree canopies, and individual specimen trees with a trunk caliper over six inches.

(15) (l) Special Significance Area Map to identify natural areas, wetlands, historic sites, architecturally significant resources, and other distinctive features

(m) Tree inventory with tree replacement plan in accordance with the tree replacement requirement established in § 170-14C(2); and

(n) Any other plans or exhibits required to verify compliance with this Chapter, as requested by the Planning Director or City Engineer.

(16) Five copies of a proposed Post-Construction Storm Water Management Plan, as provided in Section 206-19, with a proposed implementation schedule or sequence of phased construction.

DE. Public hearing/Planning Commission recommendation. The Planning Commission, upon receiving the Planning Commission Staff Report, City Engineer's report and such other reports deemed appropriate, shall consider the preliminary plat at a public hearing of which notice shall be given in a newspaper of general circulation in Sarpy County, Nebraska. After review and public hearing, the Planning Commission shall recommend to the City Council its conditional approval or rejection of the preliminary plat within 45 days after its public hearing.

EF. Recording of action by Planning Commission. The action of the Planning Commission shall be recorded in the official minutes. noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be sent to the City Council, one copy shall be returned to the subdivider and one copy retained by the Planning Commission. At this time the subdivider may be required to submit additional plats.

FG. City Council consideration/Governing body action. The City Council shall consider the preliminary plat at a public hearing of which notice shall be given in a newspaper of general circulation in Sarpy County, Nebraska. After public hearing review, the City Council shall reject, give conditional approval, or defer to a specified date action on the preliminary plat.

GH. Conditional approval. Approval of the preliminary plat shall not constitute approval of the final subdivision plat. Rather, preliminary plat approval shall be considered as a conditional approval to be used as a guide for the preparation of the final plat. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the City Council. Such extension shall require payment of an additional platting fee equivalent to fifty percent (50%)^{1/2} of the original preliminary platting fee.

HI. Zoning request with preliminary plat submission. A zoning request/The subdivider shall be applied/apply for a change of zone for concurrently with the preliminary plat, if rezoning is either required or desired; the approval of the plat also provides for preliminary approval of the request for rezoning. The request for rezoning and the

final subdivision plat shall be approved concurrently and shall become official when the change of zone ordinance is effective and the final plat is recorded and filed with the Sarpy County Register of Deeds.

§ 170-12. Procedure for final plat approval.

A. Plat Final plat submission requirements. The subdivider shall submit the Ffinal plat, the final plat application, and the supplemental materials shall be submitted to the Planning AdministratorPlanning Department within one year of approval of the preliminary plat unless an extension is granted by the governing bodyCity Council. The final plat shall generally conform to the preliminary plat as approved by the City Council and to the requirements of all applicable ordinances and state statutes; .and, if If desired by the subdivider, it the final plat may constitute only that portion of the approved preliminary plat which he the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulationsall applicable ordinances and state statutes. Submission of any portion of the approved preliminary plat area shall be interpreted as satisfying the one-year submission requirements. Application for final plat approval shall be submitted to the Planning Commission Department at least 14 days six (6) weeks prior to the Planning Commission meeting at which it is to be considered.

B. (Reserved) ⁵

CB. Scale and final plat contents. A PDF, an AutoCAD file, and folded paper Twelve copies of the final plat and other exhibits required for approval shall be submitted as indicated on the application form. The final plat shall be After City Council approves a final plat, copies of the final plat drawn in ink on tracing cloth, Mylar or similar reproducible material and shall be at a minimum scale of one inch (1') equals 100 one hundred feet (100'), and shall be available submitted for signature. The final plat shall show the following:

- (1) Date, title, name and location legal description of subdivision.
- (2) Streets and street names, lots, setback lines,and lot numbers., etc.
- (3) Graphic scale and true North point.
- (4) Setback lines on double and triple frontage lots or at the request of the Planning Department. A table showing the required setbacks shall be provided for all other lots.
- (5) Monuments.
- (56) Dimensions, angles and bearings and complete legal description of the property.
- (67) Names of adjoining properties within 200 feet of proposed subdivision.

- (78) Location, dimensions and purpose of any easements.
- (89) Purpose for which sites, including, but not limited to open space, outlots, park land, and school sites, are dedicated or reserved.
- (910) Certification of accuracy of survey and plat by a licensed surveyor. or engineer certifying to accuracy of survey and plat.
- (1011) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted. All signatures shall be notarized.
- (1112) Certification recording the approval by the Planning Commission.
- (1213) Certification recording the approval by the City Council and the acceptance of any dedications, attested to by the City Clerk.

DC. Supplemental materialsry data submission.. The final plat shall be accompanied by:

- (1) Subdivision agreements and sewer and water connection agreements.
- (1) Any exhibits required for agreements related to the subdivision, including, but not limited to subdivision agreements and sewer and water connection agreements. This may include, but not be limited to, the following:
 - (a) Plat legal description with metes and bounds;
 - (b) Final Plat;
 - (c) Paving for streets and walks;
 - (d) Water mains, lines, and appurtenances;
 - (e) Sewer outfalls, lines, and appurtenances;
 - (f) Erosion and sediment control;
 - (g) Source and Use of Funds;
 - (h) Park and trail improvements; and
 - (i) Phasing plan for platting and public improvements, as applicable.
- (2) Protective covenants, if any, in form for recording.

ED. Planning Commission recommendations. The Planning Commission shall recommend approval or rejection of the final plat to the City Council within 45 days after receipt Planning Commission consideration of the final plat from the subdivider. All reasons for recommending rejection shall be clearly stated. The subdivider shall be given notice of approval or rejection.

FE. City Council consideration. After Planning Commission makes its recommendation, the Ffinal plat shall then be submitted to the City Council at its regular meeting for approval consideration and adoption. Construction shall not commence until a final plat is approved by the City Council and recorded with the Sarpy County Register of Deeds. prior to the start of construction.

GF. Filing and recording required. Upon approval of the City Council, the final plat mustshall be filed and recorded with the Register of Deeds within ninety (90) days of such approval or the plat shall become null and void. The applicant may request that the City Council grant an extension for the filing of the final plat. Each extension shall be limited to a maximum of ninety (90) days. Each extension request shall require payment of an additional platting fee equivalent to fifty percent (50%) of the original final plat platting fee. No more than three (3) extensions totaling a maximum of two hundred and seventy (270) days may be granted by the City Council. It shall be the responsibility of the applicant to furnish the Planning Director with one original plat which has been filed with the Sarpy Register of Deeds to show compliance with this requirement.

ARTICLE V. Subdivision Design Standards

§ 170-13. General requirements.

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion, or other menace. If, following adequate investigation conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare, or prosperity of the community or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities, or and streets, then the subdivision preliminary plat shall not be approved unless the subdivider formulates adequate methods for meeting such problems.
- B. All required improvements shall be constructed or installed in conformity with the provisions of this chapter and City specifications.

§ 170-14. Preservation of drainage patterns and natural features.

- A. Grading permit required. All subdividers shall obtain a grading permit and shall comply with the requirements of the Stormwater Management Ordinance, Chapter 206 of the Papillion Code, the Papillion Creek Stormwater Management Policies as adopted as an amendment to the Comprehensive Plan for properties within the

Papillion Creek watershed, and the Southern Sarpy Stormwater Management Policies as adopted as an amendment to the Comprehensive Plan for properties within the Southern Sarpy watershed.

- B. Preservation of natural features required. To the extent possible, subdivisions shall be designed to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
- C. Preservation of natural features as open space. The subdivider shall give consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - (1) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service. Development and fill upon wetlands shall be regulated by permit authority of applicable state and federal agencies.
 - (2) Significant stands or mature specimens of trees. A tree inventory shall identify all significant stands, tree canopies, and mature specimens of trees. Tree species on the Recommended Plant Materials list that are removed subject to City approval shall be replaced as noted in **Table V**. Tree replacement requirements do not apply when tree growth is thinned for purposes of improving the health or viability of the tree canopy, provided that the extent or continuity of the tree canopy is not compromised.
 - (3) Special Flood Hazard Areas, other than areas that have already experienced substantial development.
 - (4) Natural slopes in excess of twenty percent (20%) as measured over a ten-foot (10') interval. Development on natural slopes over twenty percent (20%) may be permitted only if an erosion control plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The City shall require the review and certification of such a plan by a licensed Professional Engineer.
 - (5) Development shall avoid fill or disturbance of significant wildlife habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Comprehensive Plan.

§ 170-15. General guidelines for subdivision layout.

Subdivisions shall be designed to comply with the following overall performance objectives:

- A. Avoidance of adverse effects on ground water and aquifer recharge.
- B. Reduction and minimization of cut and fill.
- C. Avoidance of unnecessary impervious surfaces.
- D. Prevention of flooding and encroachment of water onto other properties, except for facilities designed as part of a regional or community-wide stormwater management system.
- E. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimizing of cul-de-sacs over three hundred and fifty feet (350’).
- F. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
- G. Preservation of natural drainage patterns.
- H. Reduction and minimization of the number of multiple frontage lots.
- I. Avoidance of lots that access arterial or collector streets.
- J. Provision for ADA accessible facilities.

§ 170-1416. Streets and alleys.

The arrangement, character, extent, width, grade and location of all streets shall conform as near as possible to the General Development Plan Comprehensive 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 the land to be served by such streets.

- A. Overall roadway system design.
 - (1) The roadway system shall be designed to permit safe and orderly movement of vehicular and pedestrian traffic to meet, but not exceed, the needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
 - (2) The roadway system shall conform to the City's Comprehensive Plan. For streets not shown on the Comprehensive Plan, the arrangement of streets shall provide for the logical extension of existing streets.

- (3) The internal street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later subdivisions.
- (4) The roadway system shall provide adequate traffic flow through a subdivision and provide at least two (2) routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the City Council and any governmental agency with jurisdiction over the applicable roadway system. Additionally, the roadway system should be designed to discourage through traffic from using local streets and local traffic from using arterials.
- (5) The roadway system shall provide an internal street network that creates a high level of connectivity as defined in the Comprehensive Plan.

AB. Street extensions. The street layout roadway system, including the internal street network, of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the governing body City Council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the governing body City Council deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least fifty feet (50') feet or an equivalent means as authorized by the City Engineer. The roadway system, including the internal street network, street system for of the proposed subdivision shall provide for extending existing streets, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

BC. Dedication of right-of-way for new streets. The dedication of right-of-way for new streets measured from lot line to lot line shall meet the right-of-way requirements as provided in **Table II** of these regulations.⁶ All streets classified as arterial or collector streets shall have all points of access approved by the City Council. Marginal access streets may be required by the City Council for subdivisions fronting on arterial streets.

CD. Dedication of right-of-way for existing streets. Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in these regulations. 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 center line of the existing roadway, shall be dedicated. Dedication of 1/2 of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

DE. Intersections.

- (1) Street intersections. Streets shall intersect as nearly as possible at an angle of ninety degrees (90°), and no intersection shall be at an angle of less than seventy-

five degrees (75°). Street curb intersections shall be rounded by radius of at least 20 twenty five feet (25') feet for residentially zoned lots and thirty-five feet (35') for all other zoning districts. When the smallest angle of street intersection is less than seventy-five degrees (75°), the City Engineerhe City Council may require curb radii of greater length. In all cases, the intersection radii shall not reduce the sidewalk width and shall allow for PROWAG compliant ramps which adhere to the standard City curb ramp details. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width,As necessary the property lines at such street corner shall be rounded chamfered or otherwise set back sufficiently to permit such curb, sidewalk, and curb ramp construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five feet (75') feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located. Handicapped ramps will be provided for as required by state statutes.

- (2) Driveway intersections. Driveways shall align with adjacent driveways or streets to the maximum extent possible to prevent offset intersections. A minimum of one hundred and fifty feet (150') between driveways shall be required. When a driveway is located between two other driveways that are on the opposite side of the street and unable to align, such driveway should be equally spaced between the opposing driveways.

EF. Street jogs. Street jogs with center-line offsets of less than 150 feet shall be prohibited.

FG. Cul-de-sacs. Cul-de-sacs shall be prohibited unless the City Engineer and Planning Director determine that a cul-de-sac is required due to topography or other similar condition. Cul-de-sacs shall not be longer than 600 three hundred and fifty feet (350') and shall be provided at the closed end with a turnaround having a radius diameter at the outside of the pavement of at least seventy-five feet (75') feet, except such turnaround in industrial and commercial areas shall be one hundred feet (100') feet in diameter. The length of the cul-de-sac shall be measured from the centerline of the intersecting street to the center point of the cul-de-sac.

GH. Street names. Streets shall be named in a way that is consistent with conventions established for the Douglas-Sarpy County metropolitan area, including the numbering of north-south streets.

- (1) Names in alignment. Proposed streets which are in alignment with already existing and named streets shall bear the names of such existing streets.
- (2) No duplication. The name of a proposed street which that is not in alignment with an existing street shall not duplicate the name of any existing street within the Douglas-Sarpy County metropolitan area, irrespective of the use of the suffix

street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix.

- (3) Name change at curvature. Whenever a street alignment changes direction more than sixty degrees (60°) without a return to the original alignment within a distance of five hundred (500') feet, then the name of the street shall should be changed at the point of curvature.
- (14) Cul-de-sac naming. A cul-de-sac street serving not more than four lots shall take the name of the intersecting street.
- (25) Approval by the City Council required. The proposed names of all streets shall be approved by the governing bodyCity Council prior to such names being assigned or used.
- (6) Similar sounding streets. Street names shall be easy to pronounce, spell, and read to reduce confusion. Similar sounding street names, although spelled differently, shall be avoided (EXAMPLE: Lee and Leigh). In addition the same street name should not be given a different or multiple street types (EXAMPLE: "Main" should not be "Main Street" in some places and "Main Road" in other places).
- (7) Vanity street names. Streets named after the subdivision are prohibited.

HI. Horizontal and vertical street curves.

- (1) A tangent at least 100 feet longof a length to be determined by the City Engineer shall be introduced between reverse curves on all streets. Where there is a deflection angle of more than ten degrees (10°) in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made.
- (2) All vertical curves shall be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) stopping sight distances/headlight distance required based on design speed.

IJ. Street grade and elevations.

- (1) 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. The minimum street grade shall not be less than one percent 1/2 of (1%). Streets which that would be subject to inundation or flooding shall not be approved. Profiles or elevations of streets shall be furnished by the subdivider. Street grades shall conform to the minimum requirements provided in **Table I** of these regulations.⁷

- (2) Accessible crosswalks shall be identified and the street grades adjusted accordingly to meet PROWAG requirements.two percent ()

JK. Private streets and reserve strips. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the city under conditions approved by the governing body as authorized in these regulations.

KL. Alleys.

- (1) When required. Alleys may be required to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be required in residential areas except in cases where the subdivider provides evidence of the need for alleys which is satisfactory to the governing bodyCity Council.
- (2) Design. The minimum width of an alley shall be 20 feet. Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead end, as determined by the governing bodyCity Council. Alleys shall not be required in residential areas except in cases where the subdivider provides evidence of the need for alleys which is satisfactory to the governing body.
- (3) Maintenance. Maintenance and snow removal of alleys shall not be the responsibility of the City.

LM. Other right-of-way easements.

- (1) Easements for utility rights-of-way shall be not less than five feet10 (5') feet in width and whenever possible shall be provided along the rear and side property lines. See **Table IIIIV**.⁸
- (2) When a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way shall be provided of such widths as will be adequatewith adequate width for both waterflow and maintenance operations. The total width of any such easement shall be sufficient to accommodate a one hundred (100)-year storm event, calculated for a fully developed upstream drainage basin. The minimum width of such easement shall be established by the Papillion Creek Watershed Management Policies and the Southern Sarpy Watershed Management Policies, as applicable. Parallel streets, parkways, walkways or bridges may be required in connection with such drainage easement.

N. Outlots.

- (1) Number minimized. The total number of outlots within a subdivision should be minimized to the maximum extent possible.

- (2) Ownership of PCSMP outlots. At the time of platting the ownership of outlots being utilized for permanent Post Construction Stormwater Management shall be defined as the subdivider or the future home owners association for the subdivision once it is formed.
- (3) Control vested. Control over all other outlots shall be definitely vested in the City under conditions approved by the City Council as authorized in this chapter.
- (4) No buildings permitted. No buildings, other than those approved by the City Council and defined by the subdivider at the time of platting, are permitted on outlots.
- (5) Narrow outlots adjacent to public roadways prohibited. Narrow outlots adjacent to public roadways shall be prohibited. The subdivider shall extend private lots to right-of-way and dedicate landscape easements if desired or incorporate the narrow outlots into public right-of-way as directed by the City Engineer and Planning Director.

§ 170-17. Pedestrian and bicycle systems.

- A. Continuous pedestrian system required. A continuous pedestrian system shall be provided within each subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
- B. Pedestrian system for conventional subdivisions. In conventional subdivisions, the pedestrian system shall be provided by sidewalks or trails typically placed along both sides of each street. Waivers may be granted by the City Council with the recommendation of Planning Commission to preserve natural features, create visual interest, maintain greenways and pedestrian ways proposed in the Comprehensive Plan, or improve the overall design quality of the project.
- C. Pedestrian system for mixed use developments, planned unit developments, and innovative subdivisions. In mixed use developments, planned unit developments, or innovative subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
- D. Compliance with Americans with Disabilities Act required. All aspects of the pedestrian system, including sidewalks, driveway crossings, and intersection crossings, shall be designed to comply with the Americans with Disabilities Act.
- E. Sidewalks requirements.
 - (1) Sidewalk requirements shall be determined by road classification and intensity of development, as set forth in **Table III**.

- (2) Where sidewalks are not otherwise required by **Table III**, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features, to continue a walk on an adjacent street, to link parts of the City, or to accommodate future development.
- (3) Sidewalks shall be placed generally parallel to streets within right-of-way, but may follow serpentine curved alignments to add interest, preserve important natural features, accommodate topography or vegetation, or improve the quality of the subdivision's design. Sidewalk conflicts with existing conditions (such as light poles, fire hydrants, trees, etc.) shall be addressed with smooth curved transitions a minimum of twenty feet (20') in length each side of the conflict. In planned unit developments, sidewalks may diverge from streets if the overall system continues to meet the access requirements of this Chapter.
- (4) Sidewalks shall provide a clear path of at least five foot (5') in width that is free of any obstructions.
- (5) All sidewalks shall be constructed according to current standards in use by the City. Sidewalks shall be of concrete construction with a minimum thickness of five inches (5") except at points of vehicular crossing where they shall be a minimum of six inches (6") thick.
- (6) All sidewalks, crossings, and other segments of a continuous pedestrian system shall comply with standards of the Americans with Disabilities Act. Truncated domes shall be installed at intersections for the purposes of safety, using removable prefabricated panels as approved by the City Engineer. Curb ramps shall also be installed at intersections in accordance with the standard City ramp details and the Americans with Disabilities Act.

F. Bikeways and recreational trails.

- (1) The City may require the installation of bicycle route or other standard signage on street segments that are incorporated into the City's pedestrian and bicycle transportation system. The City may substitute extra-width lanes or designated bike lanes on street segments in lieu of trails.
- (2) All recreational trails shall comply with the Americans with Disabilities Act. All off-street recreational trails shall be a minimum of eight feet (8') in width to allow for two-way traffic. Recreational trails that are part of the regional trail system shall have a minimum width of ten feet (10'). Surfacing of recreational trails shall follow standards established by the City. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
- (3) Recreational trails may be deemed by the City Council to satisfy part of the requirements of this chapter for sidewalks or open space.

- (4) All streets shall utilize bicycle safe storm sewer inlets. Inlets along defined bike lanes on street segments shall be set back one foot (1') behind the back of curb.

§ 170-1518. Blocks.

- A. Block length. Block length shall not exceed ~~1,300~~ feet one thousand feet (1,000'). A waiver may be granted by the City Council with the recommendation of Planning Commission to preserve a significant natural feature, address a major site constraint, or in the cases of irregularly shaped blocks. The length of blocks shall be considered to be the distance from street center line to opposite street center line and shall be measured along the center of the block. In cases of irregularly shaped blocks, the requirements shown herein may be waived by the City Council with the recommendation of Planning Commission.
- B. Block widths. The width of blocks shall generally be sufficient to allow two tiers of lots and be at least two hundred and forty feet (240') feet in width. The width of blocks shall be considered to be the distance from the street center line to the adjacent street center line minus the fronting street rights-of-way width. In cases of irregularly shaped blocks, the minimum width may be waived by the City Council with the recommendation of Planning Commission.
- C. Pedestrian walkways access. Pedestrian walkways pathways not less than 10 feet eight feet (8') wide may be required in blocks longer than five hundred feet (500') feet or at the end of cul-de-sacs longer than three hundred feet (300') where the City Council deems such walkways pathways are deemed by the City Council to be essential necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

§ 170-1619. Lots.

The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- A. Lot dimensions and area shall conform to the requirements of Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska. The ratio of depth to width of lots shall not exceed three (3) to one (1).

- B. Corner lots shall be of extra width sufficient to maintain required setbacks.

building lines of both streets.

- C. Side lot lines shall be approximately at right angles or radial to street lines.

- D. Access to lots shall be such as to provide provided, by means of a public street, and each lot with shall have satisfactory access to an existing public street.
- E. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

ARTICLE VI. Required Subdivision Improvements

§ 170-1720. General requirements.

The subdivider shall design and construct improvements to not less than the standards outlined in these regulationsthis chapter. The work shall be done under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer. The minimum requirements for materials shall be in accordance with the standards currently in effect in the City or as approved by the City Engineer. 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.

§ 170-1821. Monuments, markers, and pins.

Permanent monuments shall be accurately set and established at the intersection of all outside boundary lines of the subdivision; at the intersection of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitively all lines of the plat, including all lot corners.

- A. Monumentation shall be in conformance with the minimum standards for surveys adopted by the Nebraska State Board of Examiners for Land Surveyors. The external boundaries and corners of blocks shall be monumented by iron rods or pipes extending at least 30 inches below grade.
- B. Lot corners. All points of curvature, points of tangency and other points shall be monumented by iron rods or pipes extending at least 24 inches below grade.
- CB. The City Council shall require surety, either cash or corporate bond, that monuments are set. Amount of the surety shall be estimated by City Council.the City Engineer with guidance from the Master Fee Schedule. The surveyor shall provide a written statement to the City that the monumentation requirements have been met in order to retire the bond.

§ 170-1922. Streets; , sidewalks; , driveways; , and lights.

- A. Street grading. All The full width of streets rights-of-way located entirely within the boundary of the subdivision, except major streets as noted, shall be graded to the full

width to within six inches (6") of the finished grade. Grades extending from the top of curb or edge of pavement within the right-of-way shall be no more than plus or minus two percent (2%) cross slope and shall match the street profile grade longitudinally. Such grading completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work may be required by the City of Papillion.

- B. Street surfacing. The streets shall be paved, including curbs and gutters, in accordance with street paving standards approved by the City Council Engineer. Requirements for paving, including curb and gutters, may be waived by the City Council with the recommendation of Planning Commission at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of two hundred feet (200') feet or more, subject to the approval of the City Council. Streets in such subdivisions shall be constructed of a material that meets the specifications of the City Engineer. have a crushed rock or gravel surface which meets the specifications of the City Council.
- C. Street name and traffic control signs. Street name signs of a type in use throughout the city shall be erected by the subdivider at all intersections. Decorative fluted sign pole and base shall be utilized as defined by the City's standard sign pole and base details. Traffic control signage shall also be installed on decorative fluted sign pole and bases or if applicable may be installed on existing or proposed light poles if within twenty-five feet (25') of the proposed location.
- D. Sidewalks. Sidewalks shall be provided on both sides of a paved street within the dedicated street right-of-way with a minimum width of four feet. Sidewalk thickness shall be not less than four inches thick. Handicap ramps shall be provided at all street crossings. required provided as required by § 170-17 and Table III.
- E. Driveways. Driveways and curb cuts shall be located not less than three feet one foot (1') from the side lot line. Curb cuts for straight (vertical) curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side. The driveway (including the flare) shall not extend beyond the projection of the side lot line into right-of-way.
- F. Street and walkway lighting. The subdivider shall install streetlights and walkway lighting in the subdivision as recommended by the City Engineer and approved by the City Council.
- G. (1) Such lights shall be located at each entrance (streets and walkways) to the subdivision. In addition, whenever the distance between the two adjacent streetlights (or walkway lights) would exceeds three hundred feet (300') feet, then additional streetlights (or walkway lights) shall be installed in such a manner that proper light intensity shall be provided and maintained.
- H.(2) New subdivision streetlighting (and walkway lighting) shall be installed with all associated wiring underground.

- (3) Such lights shall be located in a manner to minimize the total number of street and walkway lights to be installed.

§ 170-2023. Utility and drainage facilitiesSanitary sewer and wastewater management.

- A. Connection required. Sanitary sewer. Where a City-approved sanitary sewer is accessible by gravity flow within one thousand feet (1,000') feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot; or when the trunk line outfall sanitary line along the Papillion Creek is accessible by gravity connection and is within one mile of the subdivision, the developer shall be required to connect thereto and provide an adequate outfall sewer line sized to serve the total drainage area in which the subdivision is located.
- B. Provisions for temporary disposal facilities. Where the Papillion Creek trunk line outfall sanitary sewer line is substantially more than one mile distance; or where any other City-approved sanitary sewer is more than the one thousand foot (1,000') feet distance; or where a City-approved sanitary sewer is not accessible by gravity flow, the subdivider shall make provisions for the disposal of sewage as required by law and as approved by the City Council. Temporary community disposal facilities that serve the entire subdivision shall be used for the disposal of sewage. For subdivisions of more than one lot, individual, lot level septic systems are prohibited. Where temporary disposal facilities have been approved, the following conditions shall apply:
 - (1) The temporary facility shall only be approved and sized for that subdivision. No further addition or enlargement in the facility may be undertaken to serve any other subdivision or addition to that subdivision without approval of the City Council.
 - (2) The subdivider and any sanitary and improvement district formed, if applicable, shall, by agreement with the City of Papillion, agree that if and when a City-approved sanitary sewer line is constructed within one thousand feet (1,000') feet of the subdivision, and while the subdivision is within a sanitary and improvement district or within the City's extra-territorial jurisdiction, then either the subdivider in cases of privately financed development or the sanitary and improvement district shall connect to the sewer line and disconnect from the temporary facility which willshall be abandoned by the lot owners within the subdivision, the subdivider and the sanitary and improvement district, as applicable, when approved by the City Council.
 - (3) Where any City of Papillion- approved sanitary sewer is not readily available for connection, but there are plans for availability requiring connection, the subdivider and/or any sanitary and improvement district formed may be required by agreement to pay or prepay, depending upon availability, any sewer connection fee or fees required by the City to be assessed against each property or

lot to be served by the sewer prior to the approval of the final plat. Such fees shall be calculated based on the sewer connection rates established in the Master Fee Schedule. The sewer connection fees paid to the City will shall be used as the subdivision's share toward the construction of an outfall sewer main and/or toward the necessary improvement or enlargement of any treatment plant.

- (4) Whenever the sanitary sewer of a subdivision is connected to the City-approved sewer system, the City of Papillion may collect any applicable rental or use charge or fees from the users in the subdivision or sanitary and improvement district, and such charges not paid shall be a lien upon the property served.

§ 170-24. Water supply.

B. Water supply improvements. A. Connection to public water supply required. Where aAll subdivisions shall connect to public water supply system is reasonably accessible or, in the determination of theunless an alternate means of water supply is approved by the City Council. , required because of pollution problems, tTheEach subdivision shall be provided with a complete water distribution system, including appropriately spaced fire hydrants. Public water distribution and public well system shall meet the requirements of the City and the Nebraska Department of Health and Human Services.

(1)B. Provisions for temporary water supply.

(1) Approval required. Where public water supply is not available or not required as determined by the City Council, a temporary community well system shall be provided. The subdivider shall supply acceptable evidence of the availability of ground water for a temporary community well system to the City Engineer. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the preliminary plat to the Planning Commission for review and recommendation to the City Council.

(2) Well registration required. All wells shall be registered with the Nebraska Department of Health and Human Services.

(2)C. (3) Lot sizes. Where public water supply is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska and be sized to meet the Nebraska Department of Environmental Quality standards for minimum separations between surface water, drinking water wells, water lines, property lines and foundations, provided that in no case shall said minimum lot be less than one acre in area.

§ 170-25. Stormwater management.

- A. NPDES stormwater permit requirement. The subdivider shall obtain coverage under the most current General National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge. A copy of the general permit shall be available at the office of the City Engineer. The subdivider shall apply for authorization to discharge by submitting a Notice of Intent (NOI) to the State of Nebraska Department of Environmental Quality using form CSW-NOI. The subdivider shall comply with the terms and conditions of the general permit. A copy of the NOI shall be submitted to the City Engineer along with the agreement prior to the beginning of any construction activities. This item shall be considered incidental to the project and shall not be subject to a separate fee.
- B. Compliance with Chapter 206, Stormwater Management, the Papillion Creek Stormwater Management Policies, and the Southern Sarpy Stormwater Management Policies. All subdivisions shall comply with the requirements of Chapter 206, Stormwater Management, of the Code of the City of Papillion, Nebraska, the Papillion Creek Stormwater Management Policies as adopted as an amendment to the Comprehensive Plan for properties within the Papillion Creek watershed, and the Southern Sarpy Stormwater Management Policies as adopted as an amendment to the Comprehensive Plan for properties within the Southern Sarpy watershed. Subdivision design shall use best stormwater management practices to minimize the amount and velocity of urban runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include conservation design that maintains natural drainageways, retention basins, swales, porous paving, mechanical separators, and terracing.
- C. Drainage and improvements. The subdivider shall construct all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, as determined approved by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Drainage ditches improvements shall not be permitted to discharge into any sanitary sewer facilities.
- (1) Storm sewers and stormwater drainage. Where an adequate public storm sewer systemline with adequate stormwater conveyance capacity is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width based on calculated surface flow volume shall be provided, as determined by the City Engineer and approved by the City Council. Storm drainage, in causing drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility but shall connect to an adequate drainage outlet. Storm sewers in excess of forty-eight inches (48") inches in diameter shall be avoided except in special cases.

- (2) Where the subdivision is located within a drainage area, the subdivider shall be required to install the storm sewers to adequately handle the additional areas upstream under full build-out conditions as outline in the Comprehensive Plan.
- (3) Erosion and sediment control. The subdivider shall be required to provide for the control of erosion and sediment control of for areas of the subdivision which that are disturbed by grading any construction operations, by constructing temporary terraces or slopes, temporary silting basins, sod swales and spillways installing best management practices (BMPs) and whatever may beas necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City Engineer and the City Council. Following initial subdivision mass grading and installation of public improvements the individual lot owners shall maintain and install perimeter BMPs as necessary to minimize track out and damage to adjacent properties during construction activities.
- (4) Culverts and bridges. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
 - (a) All culverts shall be reinforced concrete pipe and shall extend across the full right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined approved by the City Engineer. The minimum diameter of a culvert pipe shall be fifteen inches (15”) inches. Depending on existing drainage conditions, headwalls may be required.
 - (b) Driveway culverts shall be reinforced concrete pipe and shall have a minimum length of equal to 20 feetthe driveway width plus six feet (6’). The culvert pipe shall be centered on the driveway and have a minimum diameter of twelve inches (12”) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Headwalls may be required.
- (5) Drainage improvements. All drainage improvements shall be designed and constructed in accordance with the most current version of the City of Omaha Regional Stormwater Design Manual.

§ 170-26. Fire protection.

D. Fire protection. Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies and have a maximum spacing between hydrants of six hundred feet (600’) measured along the rights-of-way. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any waterline serving shall not be less than six inches in diameter and should be circulating waterlines. The size and location of waterlines shall be confirmed

with the City wide water model and shall be approved by the City Engineer and City Council. All hydrants shall be yellow in color.

§ 170-27. Utility improvements.

A.E. Utility improvements.

- (1) Electric, cable, service and telephone services shall be provided within each subdivision. Gas service may be required where reasonably accessible. Such utilities shall be located underground unless otherwise approved by the City Engineer.
- (2)B. Overhead utility lines, where permitted, shall be located at the rear of all lots as approved by City Engineer.
- (3)C. Wherever a sanitary sewer line easement and electric, cable, and/or telephone communication line easement are each placed underground in the same utility easement overlap, the total easement width for the sanitary sewer line shall not be less than twenty feet (20') feet and effort shall be made to offset the electrical and/or communication line from the sewer line to avoid future conflict issues if sewer maintenance is required. The electric and/or communication lines shall remain within their defined standard easement width.

D. Whenever a sanitary sewer line and a storm sewer line are within the same easement, the minimum easement width shall be twenty feet (20') and the sewer lines shall be separated sufficiently to allow for sewer maintenance to each line. Additional easement width may be necessary depending on depth of proposed sewer as calculated per **Table IV** of this chapter.

§ 170-2128. Other improvements.

The installation of other improvements may be required when deemed necessary in the best interest of the community.

- A. Extensions to boundaries. The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Council Engineer.
- B. Off-site extensions. If streets or utilities are not available at the boundary of a proposed subdivision, and if the City Council finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a City expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

- C. Public recreation improvements. The subdivider shall provide the City with a cost estimate for Aall public recreation improvements prior to shall be approved by the City Council’s consideration of after the subdivider has provided the city with the total cost approval of such improvements.

§ 170-2229. Subdivision improvement guaranties and costs.

- A. Intent. The procedure by which public improvements are installed and paid for in a subdivision is a matter of mutual concern to the subdivider and the City of Papillion. These improvements become permanent features of the community and could be a great financial burden to the subdivider and a continual excessive maintenance cost to the City of Papillion; therefore, it is the intent of this section to provide for adequately sized, properly located and properly installed improvements through the prescribed rules and standards for the recreation improvements, utilities, and streets.
- B. Subdivision agreement required. No contract for the construction of public improvements involving any subdivision outside of the corporate limits of the City of Papillion shall be let, awarded, or otherwise consummated by the subdivider unless first entering intothe City, the subdivider, and, if applicable, the sanitary and improvement district have entered into a formal subdivision agreement with the City of Papillion, the subdivider and/or the sanitary improvement district. The subdivision agreement shall include, but not be limited to, concerning provisions related to land acquisition for public improvements, minimum design for utilities, pavements, open spaces, and recreation facilities, and assessments of public improvement costs for costs shall be incurred as a general obligation by the subdivider, the sanitary and improvement district, a development corporation, or other persons to be involved in the contract. For the purpose of understanding, the City of Papillion willshall generally consider the following rules established within this section when entering in a contractual agreement covering the assessment of costs for the public improvements.
- C. Privately financed subdivisions. For privately financed subdivisions, the subdivision agreement shall establish that improvements are financed privately without the use of a sanitary and improvement district and may provide for other areas of agreement and mutual responsibility such as annexation, associated public and private improvements, and other terms of the project.

CD. Shared improvements.

- (1) General obligation costs should be conceived for as those improvements that are beneficial tobenefit the general public. Sanitary Ssewers, drains, waterlines, post-construction stormwater management facilities, or other similar installations, and public park land cannot be beneficial to the general public unless it serves an area larger than the subdivision is serviced. The City of Papillion willshall consider the following as reasonable general obligations:

- (a) Any street pavement width in excess of twenty-five~~25~~ feet (25'), inclusive of curbs and gutters, may be generally obligated. The cost of pavement thickness in excess of ~~five~~ six inches for reinforced concrete or ~~six~~ seven inches (7") for plain concrete, or nine inches (9") for subdivisions with industrial zoning, may be generally obligated. Notwithstanding the foregoing, fifty percent (50%) of the street pavement adjacent to publicly accessible outlots may be generally obligated.
- (b) Fifty percent (50%) of the street pavement adjacent to publicly dedicated park land may be generally obligated.
- (bc) All street intersections may be generally obligated up to one hundred percent (100%).
- (cd) Storm sewer up to ~~48~~ forty-eight inches (48") in size and appurtenances up to 48 inches in size may be generally obligated.
- (de) Any sanitary sewers and water mains main pipes and appurtenances in excess of eight-inch (8") diameter located in a public street or in an easement on private property may whose size is required to be in excess of eight inches may be generally obligated for the difference in cost between above an eight-inch (8") diameter pipe or appurtenance and the actual size required.
- (ef) Any outfall sewer line or waterline located outside the sanitary and improvement district limits and designed to serve a total drainage area larger than the sanitary and improvement district may be generally obligated.
- (fg) The cost and installation of street signs, traffic control signs, and traffic control devices installation may be generally obligated.
- (gh) All land proposed to be dedicated to the public as park land and/or open spaces shall be financed in the following manner:
 - [1] The purchase price of any park land and/or open space shall not exceed the maximum raw land purchase price for the subdivision; and
 - [2] All park land and/or open space located within any floodway shall be donated to either the City or the sanitary and improvement district, at no cost to either the City or the sanitary and improvement district; and
 - [3] The purchase price of any park land and/or open space located within a floodplain shall not exceed fifty percent (50%) of the raw land purchase price for the subdivision; and

- [4] All wetlands shall be donated to either the City or the sanitary and improvement district, at no cost to either the City or the sanitary and improvement district; and
- [5] Any utility easements shall be donated to either the City or the sanitary and improvement district, at no cost to either the City or the sanitary and improvement district; and
- [6] All open drainage ways shall be donated to either the City or the sanitary and improvement district, at no cost to either the City or the sanitary and improvement district; and
- [7] All soft costs for the acquisition of the park land and/or open space shall not exceed twenty percent (20%) of the purchase price.
- (i) No more than fifty percent (50%) of the capital facilities fee shall be generally obligated. The capital facilities charge is a nonrefundable fee set forth in the Master Fee Schedule, as amended and adopted from time to time, per lot for single-family residential and duplex residential and per acre for all other use types within and beyond the corporate limits of the City which will use the water system of the City. The capital facilities charge shall be paid within sixty (60) days of issuance of invoice from the City. In the event that the capital facilities charge is not paid within sixty (60) days, the capital facilities fee shall be collected based on the amount set forth in the Master Fee Schedule at the time that the fee is paid. Any cost difference in the capital facilities charge that results when the capital facilities charge is not remitted within sixty (60) days of issuance of invoice shall be specially assessed or paid privately. Such cost difference shall not be a general obligation cost.
- (j) **PROWAG** compliant curb ramps may be generally obligated.
- (k) Fire hydrants may be generally obligated.
- (l) Any land acquisition cost for a post-construction stormwater management facility that serves an area larger than the subdivision may be generally obligated.
- (m) No more than fifty percent (50%) of sediment basin cleanout and erosion control maintenance activities shall be general obligation costs for public improvements following the initial private grading of the development.
- (n) No more than fifty percent (50%) of review fees incurred by a sanitary and improvement district for public improvements may be generally obligated.

- (2) Special assessments are levied for those public improvements that directly benefit those properties abutting from or using such public improvements.
- (a) The City of Papillion willshall consider the following as reasonable special assessments:
- [1] One hundred percent (100%) of the entire cost of grading street right-of-way, including intersections, shall be specially assessed.
 - [2] One hundred percent (100%) of the entire cost of all sanitary sewer lines and water mains up to eight inches (8")shall be specially assessed.
 - [3] One hundred percent (100%) of the entire cost of all paving and street construction up to 25 twenty-five feet (25') in width, inclusive of curbs and gutters, shall be specially assessed.
 - [4] One hundred percent (100%) of the entire cost of pavement thickness up to five inches reinforced concrete and up to sixseven inches (7") plain concrete or up to nine inches (9") for subdivisions with industrial zoning shall be specially assessed.
 - [5] Any storm sewer located in a public street or in an easement on private property whose size is required to be in excess of forty-eight inches (48") inches in diameter shall may be specially assessed for the difference in cost between a forty-eight-inch (48") pipe and the actual size required.
 - [6] One hundred percent (100%) of all contract charges for underground electrical power and gas service shall be specially assessed.
 - [7] One hundred percent (100%) of the cost of any land acquisition for a post-construction stormwater management facility that does not serve an area larger than the subdivision.
 - [8] Sediment basin cleanout and erosion control maintenance activities shall be special assessment costs for public improvements following the initial private grading of the development. A portion of the sediment basin cleanout and erosion control maintenance activities may be generally obligated as identified in §170-29(D)(1)(m).
- (b) Not less than fifty percent (50%) of the capital facilities charge shall be specially assessed.
- (c) Not less than fifty (50%) of review fees incurred by a sanitary and improvement district for public improvements shall be specially assessed.

The capital facilities charge is a nonrefundable fee of \$1,000 per residential lot or its equivalent beyond the corporate limits of the City of Papillion which will use the water system of the City of Papillion, which capital facilities charge must be paid prior to delivery of water to a subdivision.

(cd) None of the above special assessments shall be assessed against any outlot nor against any other lot, part of lot, lands and real estate upon which cannot be built a structure compatible with the zoning regulations of said lot except to the extent of the special benefit to said lot, part of a lot, lands, and real estate by reason of such improvement.

ED. Subdivision agreement required before final plat approval. No final plat shall be approved by the City Council until the necessary subdivision agreements shall have been entered into between the City and the subdivision. This agreement shall provide for the needs of the subdivision, including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading and waste treatment, open space requirements, capital facilities charges, and provision that each sanitary and improvement district shall make its annual tax levy in an amount sufficient to timely pay the indebtedness and interest thereon for public improvements, but in no event shall said levy be less than the then-current levy assessed by the City of Papillion on the taxable real estate within the City limits. All subdivision agreements shall be filed and recorded with the Sarpy County Register of Deeds.

EF. Completion of improvements. The subdivider shall complete in a timely manner satisfactory to the City Council and City Engineer all improvements required in these regulations this chapter and/or subdivision agreements within one year after the final plat has been approved by the City Council. Specific improvement completion time periods may be defined further in the subdivision agreement. 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.

FG. Inspection and certification. The City Engineer or other knowledgeable official, as specified by the City Council, shall perform a final regularly inspection for defects in the construction of required improvements once notified of their completion. Upon completion of these improvements, the City Engineer shall file with the City Council and City Planning Commission a statement, either certifying that the improvements have been completed in the specific manner or listing the defects in these improvements. All improvements which do not achieve the approved design or specifications shall be noted and a punch list prepared by the City Engineer and issued to the subdivider. A follow-up inspection shall be scheduled to verify completion of required changes. Upon completion of the improvements, the subdivider shall file with the City Clerk a statement stipulating the following:

(1) That all required improvements are complete.

(2) That these improvements are in compliance with the minimum standards specified by the City Council for their construction.

(3) That the subdivider knows of no defects from any cause in those improvements.

(4) That these improvements are free and clear of any encumbrances or liens.

GH. Improvements required for residential occupancy permits. No residential occupancy permits shall be issued in any area which is not served by streets, water, sanitary facilities, and power unless said improvements have been first inspected and approved by the City Engineer.

§ 170-2330. Operation and maintenance.

It is the intention of the City to provide no services other than planning and zoning administration to its area of planning and zoning jurisdiction beyond the corporate boundaries of the City. Therefore, it will shall be the obligation of the subdivider to present to the Planning Commission and City Council a precise approach for the provision of these services. Said approach may include the formation of district homeowners' organizations or other methods to operate and provide for long-term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is acceptable to the City Attorney.

§ 170-2931. Other public lands.

A. Where a tract of land that is being subdivided includes land proposed to be used for parks or other public facilities under the General Development Plan for the City of Papillion, Nebraska, the subdivider shall indicate the location of such areas on the preliminary plat. Such sites may be purchased within two years of the recording date of the plat. Should site not be approved and purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said site shall be zoned initially to allow uses comparable with land contiguous to it in case it is not purchased within said two-year period.

BA. School sites reserved. Where a tract of land being subdivided includes land proposed to be used for a future school site, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for three (3) years from the date of City Council's approval of the final plat that creates such school site, giving the appropriate school district the right to purchase the land. Should the school site not be purchased in the time specified, the subdivider may request platting for the purpose of resale. Said school site shall be comparable with land contiguous to it in case it is not purchased for school within said three-year period.

CB. Large tracts or parcels. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening creation of future streets and logical re-subdivision.

ARTICLE VII. Special Provisions and Regulations

§ 170-2533. Cluster subdivision development.

- A. When a cluster subdivision development of a tract of land is proposed, this section will apply by itself and may not be applied to any other subdivision developments unless excepted by this section.
- B. In a cluster subdivision, buildings may be permitted to be clustered or grouped to permit the construction of dwellings and buildings to be closer together; thus permitting more open space, common areas or recreational areas and permitting private pedestrian and vehicular access to dwellings compared to the public walks and public streets required in the other sections of the subdivision regulations.
- C. In connection with cluster subdivisions, the following exceptions may be approved by the City Council as follows:
 - (1) An additional open space, common ground or recreational area is to be provided for the use and the benefit of the family dwelling units in the development.
 - (2) The total land area of the development divided by the total number of dwelling units provides an average land area per family dwelling unit equal to or more than that required by the regulations of the zoned district or districts in which the development is located. Total land area of the development should include the land area of open space, common ground or recreational areas, but shall not include any land area being dedicated for public street rights-of-way or set aside for ingress or egress or common off-street parking areas or public parks and public school sites.
 - (3) All cluster lots and dwelling units must abut and have access to open space, common ground or recreational areas.
- D. Exceptions to the requirements that cluster lots abut and have access to a public street may be permitted when:
 - (1) Adequate and permanent access by easement from a public street to each cluster lot is provided for pedestrian and vehicular traffic.
 - (2) Adequate and permanent off-street parking areas shall be provided for each cluster lot.

- E. Maintenance of open space. As a condition of approving the cluster subdivision and permitting exceptions to the standard subdivision requirements, the subdivider shall submit with the final plat the declaration of covenants; homeowner's association organization bylaws and agreements; conditions and restrictions . regarding the permanent maintenance of the open space, common ground or recreational areas. The Declaration of Covenants and Restrictions shall be filed and recorded with the Register of Deeds at the time of filing the final plat. No exceptions to the requirements shall be permitted unless the City Council determines that the subdivider has adequately provided for such upkeep and maintenance of open space, common ground or recreational areas.
- F. Access easements. As a condition of approving the cluster subdivision, the subdivider shall submit with the final plat a written declaration specifying any easements for access, ingress and egress, setting out maintenance, use and other required conditions and qualifications. Such easements shall be filed and recorded with the Register of Deeds, Sarpy County, at the same time as filing of the final plat.

§ 170-2632. Waivers.

- A. Granting of waivers; conditions. The City Planning Commission may recommend and the City Council may grant waivers from the provisions of these regulations, provided that no waiver of §170-11 and §170-12 shall be granted. No waiver shall be recommended by the Planning Commission or approved by the City Council until each body but only after determining determines that:
 - (1) There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
 - (2) The waiver is necessary for the reasonable and acceptable development of the property in question.
 - (3) The granting of the waiver willshall not be detrimental to the public welfare or injurious to adjacent property.
- B. Recording of plat. In no case shall the requirement of filing and recording a plat for subdivision be waived.
- C. Planned unit development. The City Council with the recommendation of the Planning Commission may also grant reasonable waivers to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a planned unit development. The subdivider shall indicate where plans vary from these regulations and shall present sufficient evidence to support the request, indicating why the request willshall not be detrimental to the public health, safety and welfare.
- D. Waiver for small subdivisions. Whenever the tract of land proposed to be subdivided is less than three acres and does not involve any dedication for street purposes; is of

such unusual shape or topography; or is affected by surrounding developments or unusual conditions such that strict application of the requirements contained in these regulations would result in substantial hardships or inequities, the Council may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner but also, at the same time, the public welfare and interest of the City and surrounding areas are protected and the general intent and spirit of these regulations are preserved.

E. The City Council, after receiving a recommendation from the Planning Commission at least two calendar weeks prior to a hearing before the Council, shall have the power to waive any portion of the plat submission requirements and approve a plat constituting a preliminary and final plat simultaneously, which plat divides a lot, tract or parcel of land into only three lots or less when no new dedication of public rights-of-way or easements are involved, and such a division complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks and does not create a new building site under one or more of the following stated conditions:

- (1) Where the subdivision involves rural land and the parcels of land created by the subdivision exceed one acre in size.
- (2) Where the subdivision involves the creation of not more than two new building sites and does not involve the dedication of a full width street.
- (3) Where the subdivision involves minor changes in lot boundaries and does not create additional building sites.
- (4) Where the subdivision involves the replatting of one or more lots of record into not more than three lots.

FD. A subdivider requesting a waiver under the provisions of **Subsections D and E A** of this section shall submit said request in writing to the City Planning Commission prior to submission of the preliminary plat for review and recommendation to the City Council. The request for waiver shall include a list of all requirements for which a waiver is sought by reference to the section numbers and the descriptive catch-heads which appear in these regulations.

§ 170-2733. Administrative adjustments.

A. Administrative adjustments defined. For the purpose of this section, the property owner may be eligible to seek approval to adjust an interior lot line or combine two or more lots without replatting, provided that the following conditions are met:

- (1) Lot line adjustment. The adjustment of an interior lot line between two adjoining platted lots, provided that the following conditions are met:

- (a) The lots involved must shall have the same zoning and the proposed adjustment will shall not create a violation of Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska.
 - (b) The lots involved must shall be existing platted lots.
 - (c) The adjustment involves only a minor change in lot line location.
- (2) Lot consolidation. The combination of two or more lots into a lesser number of lots, provided that the following conditions are met:
 - (a) The lots involved must shall have the same zoning and the proposed consolidation will shall not create a violation of Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska.
 - (b) The lots involved must shall be existing platted lots.
 - (c) The adjustment involves only a minor change in lot line location.
- B. Administrative approval. The City Administrator and Chief Building Official Planning Director shall have the joint right to approve lot line adjustments and lot consolidations when in compliance with this section. The City Administrator and Chief Building Official Planning Director shall not approve the request for an administrative adjustment if one or more of the following conditions are present:
 - (1) The application would create multi-family lots from previously platted single-family lots.
 - (2) The applicant would involve the dedication or vacation of any public right-of-way.
 - (3) The application involves nonplatted lots (e.g., tax lots).
 - (4) In the opinion of the Chief Building Official Planning Director, the application should be processed under a different section of this chapter.
- C. Application procedures. An application for a lot line adjustment or lot consolidation shall be submitted to the Chief Building Official Planning Director. The following shall be submitted with the application:
 - (1) Application fee.
 - (2) Written consent of all property owners.
 - (3) Four (4) original plats that provide the following information:

surveyor's certificates signed and sealed by a State of Nebraska land surveyor.

- (a) Date, title, name and location of subdivision.
 - (b) Streets and street names, lots, setback lines, lot numbers, etc.
 - (c) Graphic scale and true North point.
 - (d) Monuments.
 - (e) Dimensions, angles and bearings and complete legal description of the property.
 - (f) Names of adjoining properties of the proposed subdivision.
 - (g) Location, dimensions and purpose of any easements.
 - (h) Purpose for which sites are dedicated or reserved.
 - (i) Certification by surveyor or engineer certifying to accuracy of survey and plat.
 - (j) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
 - (k) Certification signed by the Sarpy County Treasurer stating that there are no regular or special taxes due or delinquent against the property.
 - (l) Certification signed by the Sarpy County Surveyor.
- (4) A PDF file and an AutoCAD file for plat.
- (5) Verification as to whether or not easements are occupied. If an easement is no longer required and is unoccupied, documentation of release is required. If an easement is required and/or is occupied, such easement shall be identified on the administrative plat.

Certificate signed by the Sarpy County Treasurer stating that there are no regular or special taxes due or delinquent against the property.

- (6) A separate exhibit showing existing structures in relation to the proposed lot lines (if applicable).

D. Administrative review and action. Upon filingsubmittal, the Chief Building OfficialPlanning Department shall forward the application and all supplemental

information to the Assistant City Administrator, City Engineer, and Public Works Department for review and comment.

- E. Administrative action. The City Administrator and Chief Building Official Planning Director must shall both approve or disapprove deny the request for a lot line adjustment or lot consolidation within fifteen (10 15) working business days of the filing date. In the event of disapproval denial, the City Planner Planning Director shall give the applicant a written statement of the reasons for the disapproval denial.
- F. Administrative certificate of approval.
- (1) The surveyor's certificate administrative plat shall include a certificate of approval to be signed by the City Administrator, and Chief Building Official Planning Director, and the City Engineer.
 - (2) Upon receiving approval, the applicant shall file all four original surveyor's certificate administrative plats as follows; four original surveyor's certificate administrative plats to be stamped by submit four (4) reproducible Mylars to the Sarpy County Register of Deeds office. and routed The administrative plats stamped by the Register of Deeds shall be distributed as follows:
 - (a) One to the Papillion Planning Department.
 - (b) One to the Sarpy County Register of Deeds.
 - (c) One to the Sarpy County Surveyor.
 - (d) One to remain with the applicant.
 - (3) Upon filing of the administrative plat, the applicant shall file and record any required easement dedications with the Sarpy County Register of Deeds and provide proof of filing to the Planning Department.
- G. Filing time limit. Approval of the lot line adjustment or lot consolidation shall become null and void if the applicant has not filed the surveyor's certificate administrative plat with the Sarpy County Register of Deeds within 30 ninety (90) days from of the date of approval. It shall be the responsibility of the applicant to furnish the Chief Building Official's office Planning Department with one original surveyor's certificate administrative plat which has been filed with the Register of Deeds to show compliance with this requirement.

§ 170-2834. Small subdivisions.

- A. Small subdivision defined. For purposes of this section, the property owner may be eligible to seek subdivision approval of a small subdivision if the following conditions are met:
- (1) The tract of land consists of existing lots or blocks.
 - (2) The tract of land has not been previously subdivided as a small subdivision.
 - (23) The subdivision does not contain more than four six (6) lots, except as provided for in Subsection A below.
 - (34) All required public improvements have been installed. Neither the extension of municipal facilities nor the creation of any public improvements is required.
 - (5) No new dedication of public rights-of-way or easements is involved. The subdivision fronts on an existing street, and does not involve any new street or road. , or the extension of municipal facilities or the creation of any public improvements.
 - (46) The subdivision does not adversely affect the remainder of the parcel or adjoining property.
 - (57) The subdivision may contain up to six lots if It is the opinion of the City PlannerPlanning Director, City Engineer and the City Administrator, that the information listed in § 170-11 is not required or has been submitted previously.
- B. Administrative approval. The Planning Director or designee shall have the right to approve small subdivision plats in compliance with Subsection A of this section. The Planning Director or designee may approve a small subdivision plat if the following conditions are met:
- (1) The City Engineer and City Administrator have affixed their signature to the plat.
 - (2) The subdivision is not in conflict with any provisions or portion of the Comprehensive Plan, the Zoning Ordinance, or these regulationsthis chapter.
 - (3) The subdivision meets the conditions of § 170-34A.
 - (4) The subdivision would not require the vacation of any occupied utility easements. The Planning Director may waive this requirement upon receipt of written verification that utilities have been removed or relocated and easements have been vacated.
 - (4) The subdivision would not require the dedication of additional public right-of-way.

- (5) The parcel has not been previously denied replatting by the City Council.
 - (6) The subdivision would not allow a duplex, townhome, condominium, or multifamily development on land previously platted for single-family development.
 - (7) The subdivision primarily involves a change in interior lot boundaries.
- C. Small subdivision application for administrative approval. An application for small subdivision administrative approval shall be submitted to the Planning Department. A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements or street rights-of-way. The following shall be submitted with the application.
- (1) Application fee.
 - (2) Four (4) original plats that provide the information as required under § 170-12C of this chapter. Four reproducible Mylar copies of the plat, one of which shall be 15 1/8 inches by 26 3/8 inches for the Register of Deeds filing.
 - (3) One reduced copy of the plat which is 8 1/2 inches by 11 inches.
 - (4) Five blueline copies of the plat.
 - (53) A PDF file and an AutoCAD file for plat.
 - (56) Information as required under § 170-12C of this chapter.
- D. Administrative review. Upon filing, the Planning Department shall forward the application, copies of the plat and supplemental information with a request for comments in seven (7) businessworking days from the following:
- (1) Assistant City Administrator.
 - (2) City Engineer. Public Works Director.
 - (23) Public Works Director. City Engineer.
- E. Administrative action. The Planning Director or designee shall approve or disapprove deny the plat within fifteen (10 15) business working days of the filing date. In the event of disapprovaldenial, the subdivider shall be provided with a written statement of reasons for the disapprovaldenial.
- F. Administrative certificate of approval. In lieu of § 170-12C(1112) and (1213) of this chapter, plats eligible for administrative approval shall include certificates of

approval to be signed by the Planning Director, City Engineer and City Administrator. Upon receiving administrative approval, the plat shall be filed and recorded with the Register of Deeds as specified in Subsection H I of this chapter.

- G. Appeal of administrative disapproval denial. The subdivider has the privilege of requesting Planning Commission and City Council review in accordance with § 170-12 of this chapter if the plat was administratively disapproved denied.
- H. Planning Commission and City Council review and action. If the plat does not qualify for administrative approval or has been administratively disapproved denied, an application for a final plat may be submitted in accordance with § 170-12 of this chapter.
- I. Approved small subdivision plat filing. Upon receiving approval, the applicant shall submit four (4) reproducible Mylars to the Sarpy County Register of Deeds office. The administrative plats stamped by the Register of Deeds shall be distributed as follows:
 - (a) One to the Papillion Planning Department.
 - (b) One to the Sarpy County Register of Deeds.
 - (c) One to the Sarpy County Surveyor.
 - (d) One to remain with the applicant. Upon approval of a small subdivision, the subdivider shall file four reproducible Mylars and five blueline copies of the plat as follows:
 - (1) Four reproducible Mylars (one of which shall be 15 18 inches by 26 30 inches) to be stamped by the Register of Deeds and routed as follows:
 - (a) One to the Papillion Planning Department;
 - (b) Two to the Sarpy County Register of Deeds (one for their file and one to be routed to the County Surveyor); and
 - (c) One to remain with the applicant.
 - (2) Five blueline copies to be filed with the Register of Deeds for their distribution to the County Assessor, Aquila Black Hills Energy, Omaha Public Power District, the Telephone Company and the local Fire District.
- J. Easement filing. Upon filing and recording of the administrative plat, the applicant shall file and record any required easement dedications with the Sarpy County Register of Deeds and provide proof of filing to the Planning Department.

ARTICLE VIII. Amendments Administration

§ 170-2935. Amendment procedures.

Any provision of these regulations may be amended, supplemented, changed, modified, or repealed by the governing bodyCity Council according to law; provided, however, that such amendments, supplements, changes, modifications, or repealed provisions shall not become effective until after review and report recommendation by the City Planning Commission; except the governing bodyCity Council may take such action it deems appropriate if no report recommendation has been received from the Planning Commission within sixty (60) days after submission to the Planning Commission.

§ 170-36. Final plat vacation procedure.

The City Council may vacate any final plat or addition to the municipality or any such part(s) thereof as the City Council may deem advantageous and best for its interests. The power to vacate any final plat or addition or any such part(s) thereof shall be exercised by the City Council upon the petition of the owner or all the owners of lots or lands in such plat or addition. Such ordinance vacating such plat or addition shall specify whether, and, if any, what public highways, streets, alleys, and public grounds thereof are to be retained by the City. Any such ways, streets, and public grounds that are not maintained by the City shall upon such vacation revert to the owner or owners of lots or lands abutting the same in proportion to the respective ownerships of such lots or grounds. In case of total or partial vacation of a final plat or addition, the ordinance providing therefor shall be, at the cost of the owner or owners, certified to the Sarpy County Register of Deeds and be there recorded by the owner or owners.

ARTICLE IX. Enforcement; Complaints, Penalties

§ 170-3037. Approval required prior to legal filing.

No map, plan, plat, or replat of any subdivision within the jurisdiction of this chapter shall be considered legally filed with the Register of Deeds for the county unless and until the same shall have been approved by the governing bodyCity Council.

§ 170-3138. Complaints regarding violations.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Planning Director. He/sheThe Planning Director shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter.

§ 170-3239. Violations and penalties.

Any person or persons who violates any of the prohibitions or provisions of any article or section of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one offense, recoverable with costs. Each and every day that such violation continues after notification shall constitute a separate offense.

ARTICLE X. Legal Status Provisions

§ 170-3340. Severability.

It is hereby declared to be the legislative intent that the several provisions of this chapter shall be severable in accordance with the provisions set forth below.

- A. If any provision of this chapter is declared to be involved by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
- (1) The effect of such decision shall be limited to that lot, building, other structures, or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered.
 - (2) Such decision shall not effect, impair, or nullify this chapter as a whole or the application of any provisions thereof to any other lot, building, other structures, or tract of land.

TABLE I
STREET DESIGN STANDARDS

Street Type	City of Papillion				
	Cul-De-Sac	Minor Street	Subcollector	Collector	Arterial
Service	Very light local – no through traffic	Light local	Local through	Local through	Through traffic
ADT	0 to 75	75 to 200	200 to 1,000	1,000 to 3,000	3,000+
Design Speed (in mph)	15	15 to 25	25	25 to 35	35+
Minimum Sight Distance (in feet)	75	100	150	250	See aNote 1
Minimum Street Slope	1%	1%	1%	1%	1%
Maximum Street Slope	12%	10%	10%	10%	See aNote 1
Minimum Centerline Radius on Horizontal Curves (in ft)	100	100	150	300	See aNote 1

aNote 1: Standards for arterial streets will shall be set determined by AASHTO standards or by county or state highway officials.

TABLE II

**RIGHT-OF-WAY AND PAVEMENT WIDTH WITH INTEGRAL CURB AND GUTTER
(BACK OF CURB TO BACK OF CURB)**

City of Papillion

	CUL-DE-SAC		MINOR STREET		SUBCOLLECTOR		COLLECTOR		ARTERIAL			
	Row Width (feet)	Pavement Width (feet)	Row Width (feet)	Pavement Width (feet)	Row Width (feet)	Pavement Width (feet)	Row Width (feet)	Pavement Width (feet)	Row Width (feet)	Pavement Width (feet)		
No Parking					50	25	60	3237	100	See Note 1		
Parallel Parking One Side	50	25	50	25	60	30	65	40	N/A	N/A		
Parallel Parking Both Sides	50	28	50	25-28	65	38	60	3637	70	42	N/A	N/A

Note 1: Standards for arterial streets shall be determined by AASHTO standards or state highway officials.

TABLE III
SIDEWALK SETBACK FROM CURB

City of Papillion

	CUL-DE-SAC		MINOR STREET		SUBCOLLECTOR		COLLECTOR		ARTERIAL	
	Row Width (feet)	Minimum Sidewalk Setback from Curb (feet)	Row Width (feet)	Minimum Sidewalk Setback from Curb (feet)	Row Width (feet)	Minimum Sidewalk Setback from Curb (feet)	Row Width (feet)	Minimum Sidewalk Setback from Curb (feet)	Row Width (feet)	Minimum Sidewalk Setback from Curb (feet)
No Parking	25	5	25	5	50	6	60	6	100	6
Parking One Side	50	5	50	5	60	5	65	5	N/A	N/A
Parking Both Sides	50	5	50	5	60	5	70	5	N/A	N/A

Note: The City Engineer may authorize a proposed sidewalk setback from back of curb that matches an existing sidewalk setback.

TABLE IIIIV
MINIMUM WIDTH OF EASEMENTS
DEPTH TO INVERT OF UTILITY FROM GROUND SURFACE

City of Papillion

Type	0 to 6 feet	6 to 12 feet	More than 12 feet
<i>Waterlines:</i>			
8 inches or less diameter	10 feet	20 feet	See Note A1
Over 8 inches diameter	15 feet	20 feet	See Note A1
<i>Sanitary sewer lines:</i>			
8 inches or less diameter	10 feet	20 feet	See Note A1
Over 8 inches diameter	15 feet	20 feet	See Note A1
<i>Storm sewers:</i>			
18 inches or less diameter	10 feet	20 feet	See Note A1
Over 18 inches diameter	15 feet	20 feet	See Note A1
Over 18 inches diameter	See Note A1	See Note A1	See Note A1

NOTES:

A1. Width of easements for utilities with depths of more than 12 feet or diameters greater than 18 inches shall be based on recommendations of the City Engineer. The width may be calculated as the sum in feet of the following: The diameter of the utility plus four feet plus 1.5 times the depth in feet from the ground surface to the invert.

B2. Easements along side yards shall be of sufficient width so that building footings must shall lie three feet outside easement limits.

C3. Adjustments in the above requirements may be approved where it can be demonstrated that sufficient space is available for complete reconstruction of the facility in the future within the proposed space.

TABLE V
TREE REPLACEMENT SCHEDULE

Caliper measurement of removed tree	Required number of replacement trees for each removed tree
2 to 3 inches	1 tree
3.1 to 6 inches	2 trees
6.1 to 9 inches	3 trees
Over 9 inches	4 trees

Location and Measurements of Yards and Lots (Diagrams)