

ORDINANCE NO. 18XX
LEGISLATIVE TRACKED CHANGES

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.

§ 170-29D(2) -- Neb. R.R.S. § 16-707.

§ 170-4 -- See Neb. R.R.S. § 19-919.

§ 170-9 -- See Neb. R.R.S. § 19-921 for subdivision.

GENERAL REFERENCES

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

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

Sewers -- See Ch. 158.

Water wells and 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 Planning Commission and City Council.

§ 170-3. Jurisdiction.

The provision of this chapter shall apply to and within the area of planning jurisdiction of the City of Papillion, as designated on the Official Zoning Map of Papillion, Nebraska, as the same may be amended from time to time pursuant to the applicable laws and regulations.

§ 170-4. Approval required prior to recording.

No plat of a subdivision of land lying within the Planning Jurisdiction shall be filed or recorded until it shall have been submitted to the Planning Commission, staff has reviewed the submission and prepared a report thereon, and the Planning Commission has made a recommendation thereon to the City Council, and the City Council has considered and decided to approve the final plat. No preliminary plat of a subdivision of land lying within the planning area of Papillion, Nebraska shall be filed or recorded.

ARTICLE II. Application of Regulations

§ 170-5. Applicability.

Any plat 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 any lot, tract, or parcel of land into two or more lots, tracts, or other division of land for the purpose, whether immediate or future, of ownership or of building development, 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 shall be situated on a separate and single subdivided lot of record unless otherwise provided in Chapter 205, Zoning, of the Municipal Code.
- B. These regulations shall apply not only to new 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 higher standards than those that 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 those that are required by the provisions of this chapter, the provisions of such other more restrictive 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 shall include the future tense.
- B. Number. Words used in the singular shall include the plural, and words used in the plural shall 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 the City of Papillion, Nebraska.
- C. The words "Federal Government" shall mean the national government of the United States of America.
- D. The words "Planning Commission" shall mean the Planning Commission of the City of Papillion, Nebraska as duly appointed by the Mayor and approved by the City Council.

E. The words “Planning Jurisdiction” or “jurisdiction of this chapter” shall mean the area of planning jurisdiction of the City of Papillion, as designated on the Official Zoning Map of Papillion, Nebraska, as the same may be amended from time to time pursuant to the applicable laws and regulations.

§ 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) – 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 public accommodations, employment opportunities, and transportation, to purchase goods and services, and to participate in State and local government programs and services, etcetera.

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

BUILDING LINE -- See "setback line."

CITY ADMINISTRATOR -- The City Administrator of the City of Papillion. For the purposes of this Chapter, this definition shall include any authorized designee of the City Administrator.

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

CLERK -- The City Clerk of the City of Papillion. For the purposes of this Chapter, this definition shall include any authorized designee of the Clerk.

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 that provides for the collection and treatment of domestic effluent to a central sewage

treatment plant that 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 -- Unless otherwise specified, the most current 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."

EASEMENT -- A property interest granted by a property owner to the public, a corporation, or other person(s), etcetera, for the use of such property owner's real property, or a portion or right thereof, for a specific purpose or purposes.

ENGINEER -- Any person who is designated by the City to approve portion(s) of a proposed subdivision as specified in these regulations as requiring an engineer's approval.

FIRE CHIEF -- The Fire Chief of the City of Papillion. For the purposes of this Chapter, this definition shall include any authorized designee of the Fire Chief.

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

IMPROVEMENTS -- Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and any other related man-made or altered appurtenances, or matters associated with the development or redevelopment of real property.

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 with only one (1) frontage on a street.

LOT OF RECORD -- A lot that is part of a subdivision filed and recorded in the office of the Sarpy County Register of Deeds.

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 (1) street. A through lots abutting two (2) 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 (1) or more lots of record, one (1) or more portions of a lot or lots of record, or any combination thereof.

MONUMENTS -- Monumentation 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.

OPEN SPACE -- An area open to the sky that 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 City Council deems

permissive. Streets, structures for habitation, and the like shall not be included in this definition.

OUTLOT -- A portion of a subdivision intended and reserved, as a unit, for public purposes or as a private common area that has restrictions for transfer of ownership and building development that are designated by the subdivider at the time of filing the initial plat in conformity with the regulations herein. See § 170-16(N).

PAPILLION CREEK STORMWATER MANAGEMENT POLICIES -- A set of policies for the management of stormwater within the Papillion Creek watershed adopted by the City Council as part of the Comprehensive Plan.

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 that are planned and designed as a unit for one (1) or more land uses under the regulations and procedures contained in Chapter 205, Zoning, of the Papillion Municipal Code , and as approved by the City Council.

PLANNING DEPARTMENT -- The Planning Department of the City of Papillion, which department is authorized and empowered by the City Council to administer the requirements of this Chapter.

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

PLAT -- A map, drawing, or chart that delineates the subdivision of land, as presented by the subdivider. 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 this chapter.

PLAT, PRELIMINARY -- A map, drawing, or chart with supporting documents, which represents a subdivision proposal upon which a corresponding final plat is to be based following City Council approval of such preliminary plat. A preliminary plat is not intended as a document to be filed and recorded with the Sarpy County Register of Deeds.

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, which notice shall set forth date, time, and place of meeting and the legal description of the real property 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 but not limited to crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. PROWAG requirements shall also apply to all publicly accessible private streets within dedicated easements or outlots. All references in this document to “ADA” or “Americans with Disabilities Act” 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 a reconfiguration of land that 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, right-of-way 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 Municipal Code, 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 code.

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.

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

SOUTHERN SARPY STORMWATER MANAGEMENT POLICIES -- A set of policies for the management of stormwater within the Southern Sarpy adopted by the City Council as part of the Comprehensive Plan.

SUBDIVIDER -- Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, government entity, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder.

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, whether immediate or future, 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 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 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 one thousand feet (1,000') from said arterial or collector street nor normally more than six hundred feet (600') from each other.
- (8) **MARGINAL ACCESS STREET** (also called a "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 that is 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 that 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 that 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 Papillion Municipal Code.

YARD, FRONT -- The space extending the full width of a lot, lying between the front lot line and the front setback line.

YARD, REAR -- The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

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. Pre-application conference.

Whenever the owner of any tract or parcel of land prepares or intends to prepare a preliminary plat of any real property within the Planning Jurisdiction or prepares or intends to prepare any other means of subdivision of the same pursuant to the applicable laws and regulations, the subdivider shall, before submitting an application for such or presenting such preliminary plat, meet and consult informally with the Planning Department for the purpose of ascertaining the location of proposed major streets, parks, playgrounds, school sites, and other planned projects which may affect such tract or parcel of land being considered for subdivision. At the same meeting, the subdivider should review with the Planning Department the minimum standards of subdivision design set forth in Article V of this chapter with the Planning Department. This informal review is intended to help prevent or minimize unnecessary and costly revisions in the layout and development of the subdivision. The subdivider shall also submit a vicinity map to the Planning Department showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

§ 170-11. Procedure for preliminary plat approval.

- A. Preliminary plat application submission requirements. After the pre-application meeting, the subdivider seeking to subdivide real property which is subject to the Preliminary Plat requirements, as set forth herein, shall submit to the Planning Department PDF files and folded paper copies of the preliminary plat and all requisite supplemental materials as specified on the preliminary plat application. AutoCAD files for the preliminary plat and all applicable supplemental materials shall also be submitted. The subdivider shall cause such submissions to occur at least 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 Department shall distribute one (1) copy of the preliminary plat with a request for comments within ten (10) days to each of the following: the City Engineer, the Fire Department, the appropriate school board, and any other department or agency deemed necessary by the Planning Director.
- C. Scale and preliminary plat contents. Preliminary plats shall be a scale of one inch (1”) equals one hundred feet (100’); provided, however, that an alternate scale may be approved by the Planning Director for subdivisions that exceed eighty (80) acres in size, have an irregular shape, or include circumstances where an alternate scale is more appropriate. All preliminary plats shall be prepared with the following information:
- (1) Name, location, acreage, owner(s) of the real property proposed to be subdivided at the time of application, and designer of the subdivision.
 - (2) Proposed and existing zoning of the plat and existing zoning of the surrounding properties at the time of application.
 - (3) Date, north arrow, and graphic scale.
 - (4) Location of proposed property lines and any street(s).
 - (5) Name(s) of all adjoining properties or subdivisions.
 - (6) Name(s) of any new street(s).
 - (7) Lot dimensions, lot lines, lot number(s), and building setbacks.
 - (8) Proposed permanent easement(s) with the purpose and proposed grantees clearly identified.
 - (9) Proposed dedication(s) and reservation(s) of land (such as open space(s), outlot(s), park land, and school site(s)) with the purpose, ownership, and maintenance responsibility of any outlot(s) clearly identified.

- (10) All existing easement(s) at the time of application, including the purpose, grantee(s), grantor(s), and instrument number(s), with a notation of all existing easement(s) proposed to be vacated.

D. Supplemental materials. The subdivider shall submit with the preliminary plat, as supplemental materials, plans for the proposed improvements. Required exhibits shall include :

- (a) Grading Plan;
- (b) Street profiles;
- (b) Streets and Storm Sewer Plan;
- (d) Preliminary cost estimates for public improvements;
- (e) Public Rights-of-Way Accessibility Guidelines (PROWAG) Plan;
- (f) Post-Construction Stormwater Management Plan (PCSMP);
- (g) Drainage Study that 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 Department or the Engineering Department);
- (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 under § 170-14©(2) herein; and
- (n) Any other plans or exhibits required to verify compliance with this Chapter, or as otherwise requested by the Planning Director, the City Engineer, or the City Administrator in relation to the proposed subdivision.

E. Planning Commission recommendation. The Planning Commission, upon receiving the Planning Commission Staff Report and such other reports deemed appropriate,

shall consider the preliminary plat at a public hearing as required by Nebraska state statute. After review and public hearing, the Planning Commission shall recommend to the City Council its conditional approval or rejection of the preliminary plat within forty-five (45) days after its public hearing, unless the recommendation is otherwise continued or tabled at the request of the subdivider. The voting on a motion to recommend a preliminary plat, or other similar motion resulting in official action of the Planning Commission, followed by the preparation of the official minutes of the Planning Commission, or a draft thereof, by the Planning Department shall constitute the making of a recommendation to the City Council, as required herein.

- F. Recording of action by Planning Commission. The action of the Planning Commission shall be recorded in the official minutes.
- G. City Council consideration. The City Council shall consider the preliminary plat at a public hearing as required by Nebraska state statute. After review and public hearing review, the City Council shall reject, give conditional approval, or defer to a specified date action on the preliminary plat.
- H. Conditional approval. Approval of the preliminary plat shall not constitute approval of the final 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%) of the original preliminary platting fee.
- I. Zoning request with preliminary plat submission. The subdivider shall apply for a change of zone concurrently with the preliminary plat, if rezoning is either required or desired. The request for rezoning and the final plat shall be considered by City Council concurrently. In the event the request for rezoning and final plat are approved by City Council, neither shall become official or effective until the change of zone ordinance becomes effective and the final plat is validly filed and recorded with the Sarpy County Register of Deeds.

§ 170-12. Procedure for final plat approval.

- A. Final plat submission requirements. The subdivider seeking to subdivide real property which is subject to the final plat requirements, as set forth herein, shall submit to the Planning Department the final plat, the final plat application, and the supplemental materials. Such items shall be submitted to the Planning Department within one (1) year of City Council approval of the preliminary plat (the “one-year submission requirement”) unless an extension is granted by resolution of the City Council. No final plat for any real property within the Planning Jurisdiction may be approved by City Council in the event a preliminary plat has not also been previously approved by City Council for such real property. The final plat shall generally conform to the preliminary plat approved by the City Council and to the requirements of all

applicable ordinances and state statutes. If desired by the subdivider, the final plat may constitute only that portion (or phase) of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion (or phase) conforms to all requirements of all applicable ordinances and state statutes. Submission of a final plat for any portion (or phase) of the real property identified in the approved preliminary plat area shall be interpreted as satisfying the one-year submission requirement such that application(s) for any proposed final plat(s) for any other portions (or phases) of the approved preliminary plat need not be submitted to the Planning Department before or within one (1) year of City Council approval of the preliminary plat. Subdivider shall cause all such submissions to occur at least six (6) weeks prior to the regular meeting of the Planning Commission sought by the subdivider, or as otherwise provided in the official Planning Commission Meeting Schedule maintained by the Planning Department.

- B. Scale and final plat contents. PDF files, AutoCAD files, and folded paper copies of the final plat and other exhibits required for approval shall be submitted as indicated on the application form. After City Council approves a final plat, copies of the final plat drawn on Mylar or similar reproducible material at a minimum scale of one inch (1') equals one hundred feet (100'), shall be submitted for signature. The final plat shall show the following:
- (1) Name, title, and location of subdivision.
 - (2) Street(s) and street name(s), lot(s), and lot number(s).
 - (3) Date, north arrow, and graphic scale.
 - (4) Setback lines on double and triple frontage lot(s) or on such other lots as may be requested by the Planning Department. A table showing the required setbacks shall be provided for all other lots.
 - (5) Monuments.
 - (6) Dimensions, angles and bearings and complete legal description of the subject real property.
 - (7) Name(s) of all adjoining properties of proposed subdivision.
 - (8) Location, dimensions and purpose of any permanent easement(s).
 - (9) Dedication(s) and reservation(s) of land (such as open space(s), outlot(s), park land, and school site(s)) with the purpose, ownership, and maintenance responsibility of any outlot(s) clearly identified.
 - (10) Certification of accuracy of survey and plat by a licensed surveyor..

- (11) 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.
- (12) Certification recording the approval by the Planning Commission.
- (13) Certification recording the approval by the City Council and the acceptance of any dedications, attested to by the City Clerk.

C. Supplemental materials. The final plat shall be accompanied by:

- (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.

D. Planning Commission recommendation. The Planning Commission shall recommend approval or rejection of the final plat to the City Council within forty-five (45) days after Planning Commission's 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. The voting on a motion to recommend a final plat, or other similar motion resulting in official action of the Planning Commission, followed by the preparation of the official minutes of the Planning Commission, or a draft thereof, by the Planning Department shall constitute the making of a recommendation to the City Council, as required herein.

- E. City Council consideration. After Planning Commission makes its recommendation, the final plat shall then be submitted to the City Council at its regular meeting for consideration. Construction shall not commence until the City Council decides to approve the corresponding final plat and said approved final plat is filed and recorded with the Sarpy County Register of Deeds.
- F. Filing and recording required. Upon approval of the City Council, the final plat shall be filed and recorded with the Sarpy County Register of Deeds within ninety (90) days of such approval. Failure to satisfy the aforementioned ninety (90) day filing and recording deadline shall cause the final plat to become null and void. Prior to the expiration of the aforementioned ninety (90) day filing and recording deadline, the subdivider may request that the City Council grant an extension for the filing of the final plat by resolution. 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 subdivider to promptly furnish the Planning Department with one (1) original final plat Mylar which has been filed and recorded with the Sarpy County 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 streets, then the 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 seeking to grade real property within the Planning Jurisdiction shall obtain a grading permit and shall comply with the applicable requirements of the Stormwater Management Ordinance, Chapter 206 of the Papillion Code, the Papillion Creek Stormwater Management Policies, and the Southern Sarpy Stormwater Management Policies.

- 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 such 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, as promulgated by the Federal Government, 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 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 by the City Engineer with the development and if appropriate measures are taken by the subdivider in compliance with such approved plan. The subdivider shall cause a licensed Professional Engineer to review and certify any such plan(s) prior to submission to the City 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. Subdividers 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 disturbance or other 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 real properties outside the boundaries of the applicable subdivision, except for facilities designed as part of a regional or community-wide stormwater management system that is intended to account for such flooding and encroachment of water from such subdivision.
- E. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision, and the 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.

§ 170-16. Streets and alleys.

The arrangement, character, extent, width, grade and location of all streets shall conform as near as possible to the 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 such streets shall provide for the logical extension of existing streets and streets shown on the Comprehensive Plan.

- (3) The internal street network of a subdivision should provide for logical, continuous extensions of streets to and from adjacent subdivisions, both existing and those yet to be platted.
 - (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.
- B. Street extensions. The 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 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 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') or an equivalent means as authorized by the City Engineer. The roadway system, including the internal road network, of the proposed subdivision shall provide for extending existing roads, but in no case shall a road extension be of less width than the minimum width required in these regulations based on the road classification.
- C. 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. All points of access to all streets classified as arterial or collector streets shall be subject to the approval of the City Council. Marginal access streets may be required by the City Council for subdivisions fronting on arterial streets.
- D. 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 (1) 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.
- E. 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°) unless specifically approved by City Council. Street curb

intersections shall be rounded by radius of at least twenty-five feet (25') 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 Engineer may require curb radii of greater length. In all cases, the intersection radii shall not reduce the sidewalk width to less than five feet (5') and shall allow for PROWAG compliant ramps which adhere to the standard City curb ramp details. As necessary property lines at such street corner shall be 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 within seventy-five feet (75') of the right-of-way of such arterial street.

(2) Driveway intersections. Driveways shall align with adjacent driveways or streets to the maximum extent possible in order to prevent offset intersections. For non-residential use type classifications, a minimum of one hundred and fifty feet (150') between driveways shall be required. When a driveway is located across from and 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.

F. Street jogs. Street jogs with center-line offsets of less than one hundred and fifty feet (150') shall be prohibited.

G. 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 four hundred feet (400') and shall be provided at the closed end with a turnaround having a diameter at the outside of the pavement of at least seventy-five feet (75'), except such turnaround in industrial and commercial areas shall be one hundred feet (100') in diameter. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the center point of the closed end turnaround of the cul-de-sac.

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

(1) Names in alignment. Proposed streets in alignment with existing streets shall bear the names of such existing streets.

(2) No duplication. The name of a proposed street 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.

(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 feet (500'), the name of the street should be changed at the point of curvature.

- (4) Cul-de-sac naming. A cul-de-sac street serving not more than four lots shall take the name of the intersecting street.
- (5) Approval by the City Council required. The proposed names of all streets shall be subject to the approval of the City 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 shall be prohibited.

I. Horizontal and vertical street curves.

- (1) A tangent of 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.

J. 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 seven-tenths of one percent (0.7%). Streets 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.
- (2) Accessible crosswalks shall be identified and street grades shall be adjusted accordingly to meet PROWAG requirements.

K. Private streets. There shall be no private streets platted within a subdivision.

L. 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 that is satisfactory to the City Council.
- (2) Design. 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 turnaround facilities and signage at the dead end, as determined by the City Council.
- (3) Maintenance. Maintenance and snow removal of alleys shall not be the responsibility of the City.

M. Other right-of-way easements.

- (1) Easements for utility rights-of-way shall be not less than five feet (5') in width and whenever possible shall be provided along the rear and side property lines. See Table IV.
- (2) When a subdivision is traversed by a watercourse, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided with 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 greatest extent possible.
- (2) Ownership of PCSMP outlots. At the time of platting, the subdivider shall be expressly identified as the owner of any outlot(s) being utilized for permanent Post Construction Stormwater Management for a particular subdivision. Ownership of such outlot(s) may be transferred from the subdivider to a homeowners or business owners association for the subdivision once such entity is formed. Ownership of any such outlot(s) shall not be transferred to a Sanitary and Improvement District or the City unless expressly authorized by resolution of the City Council.

- (3) Control vested. Control over all other outlots shall be definitely vested in the City under conditions subject to the approval of the City Council as authorized in this chapter.
- (4) No buildings permitted. No buildings, other than those approved by the City Council, or otherwise allowed pursuant to a subdivision agreement between the City and subdivider, 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 the right-of-way. The subdivider may dedicate landscape easements within private lots if desired or incorporate the narrow outlots into public right-of-way as directed or authorized by the City Engineer and Planning Director.

§ 170-17. Pedestrian and bicycle systems.

- A. Continuous pedestrian system required. The subdivider shall provide for a continuous pedestrian system within each subdivision that is designed to conduct pedestrians throughout the subdivision in a safe manner.
- B. Pedestrian system for conventional subdivisions. In conventional subdivisions (*i.e.*, those subdivisions not consisting of mixed use developments, planned unit developments, or innovative subdivisions), the pedestrian system shall be provided by sidewalks or trails typically placed along both sides of each street. Waivers of this requirement 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. 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, to accommodate future development, or such other reasons as may relate to the City's promotion of public health, safety, and welfare.

- (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 that are a minimum of twenty feet (20') in length each side of the conflict.
- (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 sidewalks shall be a minimum thickness of six inches (6").
- (6) All sidewalks, crosswalks, driveway crossings and other segments of a continuous pedestrian system shall comply with ADA and PROWAG requirements. Curb ramps within the right-of-way shall include the installation of truncated dome inserts for the purposes of safety, using removable prefabricated panels, subject to the approval of the City Engineer. Curb ramps shall be installed at intersections in accordance with ADA and PROWAG requirements and shall adhere to the standard City curb ramp details.

E. Bicycle systems and recreational trails.

- (1) The City may require the installation of bicycle route signage or other standard signage on street segments that are incorporated into the City's pedestrian and bicycle transportation system.
- (2) The City may substitute extra-width lanes or designated bicycle lanes on street segments in lieu of trails.
- (3) All recreational trails shall comply with ADA and PROWAG requirements. All off-street recreational trails that are not part of the regional trail system 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.
- (4) If appropriate, recreational trails within a subdivision may be deemed by the City Council to satisfy part of the requirements of this chapter for sidewalks or open space for such subdivision.

- (5) All streets shall utilize bicycle safe storm sewer inlets. Inlets along defined bicycle lanes on street segments shall be set back one foot (1') behind the back of curb with ten feet (10') of curb transition to each side of the curb inlet throat.

§ 170-18. Blocks.

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

§ 170-19. 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 Municipal Code. The ratio of depth to width of lots shall not exceed a ratio of three (3) to one (1).
- B. Corner lots shall be of extra width sufficient to maintain required setbacks.
- C. Side lot lines shall be approximately at right angles or radial to street lines.
- D. Access to lots shall be provided by means of a public street and each lot 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

§ 170-20. General requirements.

The subdivider shall design and construct improvements to not less than the standards outlined in this chapter and all other applicable laws and regulations. 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 otherwise approved at the discretion of 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 deemed to be the minimum standards required.

§ 170-21. 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.
- B. The subdivider shall provide a surety, either cash or corporate bond, to ensure that monuments are set. Amount of the surety shall be estimated by the City Engineer with guidance from the Master Fee Schedule. The subdivider's surveyor shall provide a written statement to the City that the monumentation requirements have been met in order to retire the bond.

§ 170-22. Streets, sidewalks, driveways, and lights.

- A. Street grading. The full width of street 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.
- B. Street surfacing. All streets within the subdivision shall be paved, including curbs and gutters, in accordance with street paving standards approved by the City 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') or more. Streets in such

subdivisions shall be constructed of a material that meets the specifications of the City Engineer.

- C. Street name and traffic control signs. Street name signs shall be erected by the subdivider at all intersections and shall be consistent with other signage used throughout the city, as determined by the City Engineer. Decorative fluted sign pole and base shall be utilized for street name and traffic control signs as specified by the City's standard sign pole and base details; provided, however, that traffic control signage may be installed on existing or proposed light poles if within twenty-five feet (25') of the proposed sign location.
- D. Sidewalks. Sidewalks shall be provided for by the subdivider as required by § 170-17 and Table III.
- E. Driveways. Driveways and curb cuts shall be located not less than one foot (1') from the side lot line. Curb cuts for straight (vertical) curbs and the flare for rolled curbs shall be three feet (3') 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.
 - (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) exceeds three hundred feet (300'), then additional streetlights (or walkway lights) shall be installed in such a manner that proper light intensity shall be provided and maintained.
 - (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.

§ 170-23. Sanitary sewer and wastewater management.

- A. Connection required. Where a City-approved sanitary sewer is accessible by gravity flow and is located within one thousand feet (1,000') of the final plat, the subdivider shall connect thereto, subject to all requisite approvals, and shall provide adequate sewer lines and stubs to benefit each lot. Alternatively, when the trunk line outfall sanitary line along the Papillion Creek is accessible by gravity connection and is located within one (1) mile of the subdivision, the subdivider 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 located substantially more than one (1) mile distance from the subdivision; or where any other City-approved sanitary sewer is more than the one thousand feet (1,000') from the subdivision; 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 shall be 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 of the temporary facility may be undertaken to serve any addition to the subdivision or any other subdivision without the approval of the City Council.
- (2) The subdivider and any sanitary and improvement district formed, if applicable, shall, by written agreement with the City, agree that if and when a City-approved sanitary sewer line is constructed within one thousand feet (1,000') of the subdivision, and while the subdivision is within a sanitary and improvement district or within the City's extra-territorial jurisdiction, then the subdivider and/or the sanitary and improvement district or, in the case of a privately financed development, the subdivider alone, shall cause the subdivision to connect to the sewer line and disconnect from the temporary facility. Such temporary facility shall be abandoned by the lot owners within the subdivision, the subdivider and the sanitary and improvement district, as applicable, upon the direction of the City Council or the City Engineer.
- (3) Where any City-approved sanitary sewer is not readily available for connection, but there are existing plans for such availability, 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 by Ordinance, as may thereafter be listed established in the Master Fee Schedule. The sewer connection fees paid to the City 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 may collect any applicable sewer use fees, service charges, and related fees from the users in the subdivision or sanitary and improvement district, and such fees and charges not paid shall be a lien upon the property served.

§ 170-24. Water supply.

- A. Connection to public water supply required. All subdivisions shall connect to a public water supply system unless an alternate means of a private water supply is approved by the City Council. The subdivider and/or the sanitary and improvement district shall provide the subdivision with a complete water distribution system, including appropriately spaced fire hydrants. All public water distribution systems and public well systems shall meet the requirements of the City and the Nebraska Department of Health and Human Services.

- 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 by the subdivider or the sanitary and improvement district. The subdivider shall supply acceptable evidence of the availability of ground water for a temporary community well system to the City Engineer prior to submittal of the preliminary plat to Planning Commission. 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 by the City Engineer. Copies of well logs shall include the name and business 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.

 - (3) Well permit required. All wells within the Planning Jurisdiction shall require a well permit subject to the approval of the City Council pursuant to the provisions of Chapter 195 of the Papillion Municipal Code.

 - (4) Lot sizes. Where a public water supply is not available or otherwise not provided in the subdivision, the minimum lot size for the lots located in such subdivision shall conform to the minimum lot size specified in Chapter 205, Zoning, of the Municipal Code 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 building foundations; provided that in no case shall said minimum lot be less than one (1) 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 applicable requirements of Chapter 206, Stormwater Management, of the Municipal Code, the Papillion Creek Stormwater Management Policies, and the Southern Sarpy Stormwater Management Policies. 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 related improvements. The subdivider shall construct all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, as subject to the approval of by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Drainage and related improvements shall not be permitted to discharge into any sanitary sewer facilities.
 - (1) Storm sewers and stormwater drainage. Where a public storm sewer line with adequate stormwater conveyance capacity is available at or near one of the plat boundary lines, 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 subject to the approval of 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”) 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 outlined in the Comprehensive Plan.
 - (3) Erosion and sediment control. The subdivider shall be required to provide erosion and sediment control for areas of the subdivision that are disturbed by any construction operations by installing best management practices (BMPs) as necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City Engineer. 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 drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed, subject to the approval of the City Engineer. Where culverts are required, minimum requirements shall be observed as follows:
 - (a) All culverts shall be reinforced concrete or other material approved by the City Engineer and shall extend across the full right-of-way width of the proposed street. The cover over the culvert and its capacity shall be subject to the approval of by the City Engineer. The minimum diameter of a culvert pipe shall be fifteen inches (15"). Depending on drainage conditions, headwalls may be required.
 - (b) Driveway culverts shall be reinforced concrete pipe and shall have a minimum length equal to the driveway width plus six feet (6'). The culvert pipe shall be centered on the driveway and have a minimum diameter of twelve inches (12"). The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Headwalls may be required.
- (5) Design Manual. All drainage improvements shall be designed and constructed in accordance with the most current version of the City of Omaha Regional Stormwater Design Manual and as may otherwise be required by the City Engineer.

§ 170-26. Fire protection.

Fire hydrants shall be provided in all subdivisions with public water supplies and shall 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 subject to the approval of the Fire Chief. The minimum size of any waterline serving any fire hydrant(s) shall not be less than six inches (6") in diameter and such water line(s) should be circulating waterlines. The size and location of waterlines within the City's public water system shall be confirmed by the subdivider with the City wide water model and shall be subject to the approval of the City Engineer. All hydrants shall be yellow in color, unless otherwise approved by the Fire Chief.

§ 170-27. Utility improvements.

Electric, cable, 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.

- B. Overhead utility lines, where permitted, shall be located as approved by City Engineer.
- C. Wherever a sanitary sewer line easement and electric, cable, and/or communication line easement overlap, the total easement width for the sanitary sewer line shall not be

less than twenty feet (20') and efforts shall be made by the subdivider to cause the offset the electrical, cable and/or communication line(s) from the sewer line to avoid future conflict issues in the event sewer maintenance is ever required. The electric, cable and/or communication line(s) 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 the depth of the proposed sewer as calculated per Table IV of this chapter.

§ 170-28. 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 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 all public recreation improvements prior to the City Council's consideration or approval of such improvements.

§ 170-29. Subdivision improvement guaranties and costs.

- A. Intent. The manner and procedure by which public improvements are determined, designed, constructed, installed, and paid for in a subdivision is a matter of mutual concern to the subdivider, the public, and the City. These improvements become permanent features of the community and could be a financial burden to the subdivider and/or the public and could result in a continual excessive maintenance cost to the City; therefore, it is the intent of this section to provide for adequately sized, properly located, properly financed, and properly installed improvements through the prescribed rules and standards for the improvements, utilities, and streets.
- B. Subdivision agreement required. No public improvement shall be constructed nor shall any contract for the construction of public improvements be let, awarded, or

otherwise consummated by the subdivider, or any other entity, unless and until the City, the subdivider, and, if applicable, the sanitary and improvement district have entered into a formal, executed subdivision agreement approved by the City Council. The subdivision agreement shall include, but shall not be limited to, provisions related to the identification of the requisite improvements, land acquisition for any public improvements, minimum design standards and documentation for the applicable utilities, pavements, open spaces, recreation facilities, and other public or private improvements, assessments and/or apportionments of public improvement costs to be incurred by the subdivider, the sanitary and improvement district, if applicable, a development corporation, or other entities or persons to be involved in the contract, as applicable, and any other obligations that may be necessary to identify and assign due to the specific circumstances of the site or anticipated development. For the purpose of understanding, the City shall generally consider the rules established within this section when entering in a contractual agreement covering the assessment of costs for the public improvements.

C. Privately financed subdivisions. Subdivision agreements for privately financed subdivisions shall, in addition to the foregoing, establish that all improvements shall be financed privately without the use of a sanitary and improvement district or any other vehicle for the use of public funds unless otherwise expressly authorized by the City. Such subdivision agreements may also provide for other areas of agreement and mutual responsibility such as annexation, associated public and private improvements, and other terms of the project.

D. Shared improvements.

(1) General obligation costs should be conceived as those improvements that benefit the general public rather than a single subdivision. Sanitary sewers, drains, waterlines, post-construction stormwater management facilities, or other similar installations, and public park land cannot be beneficial to the general public unless an area larger than the subdivision is serviced. The City shall typically consider the following as reasonable general obligations, subject to the final approval of City Council for each applicable subdivision:

(a) Up to one hundred percent (100%) of the cost of any street pavement width in excess of twenty-five feet (25'), inclusive of curbs and gutters.

(b) Up to one hundred percent (100%) of the cost of pavement thickness in excess of nine inches (9") for plain concrete for subdivisions with industrial zoning, and up to one hundred percent (100%) of the entire cost of pavement thicknesses in excess of seven inches (7") for plain concrete, or may be generally obligated.

(c) Up to fifty percent (50%) of the cost of the street pavement adjacent to publicly accessible outlots.

- (b) Up to fifty percent (50%) of the cost of the street pavement adjacent to publicly dedicated park land.
- (c) Up to one hundred percent (100%) of the cost of all street intersections.
- (d) Up to one hundred percent (100%) of the cost of storm sewer up to forty-eight inches (48") in size and related appurtenances .
- (e) Up to one hundred percent (100%) of the difference between the cost of any sanitary sewers and any water main pipes and related appurtenances greater than eight-inches (8") in diameter and the cost of any sanitary sewers and any water main pipes and related appurtenances with a diameter of exactly eight-inches (8"), but only so long as such sanitary sewers and such water main pipes and related appurtenances are located in public right-of-way or in an easement on private property.
- (f) Up to one hundred percent (100%) of the cost of 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.
- (g) Up to one hundred percent (100%) of the cost and installation of street signs, traffic control signs, and traffic control devices.
- (h) Up to one hundred percent (100%) of the cost of any land proposed to be dedicated to the public as park land and/or open spaces; provided that the following rules are met:
 - [1] The purchase price of any park land and/or open space shall not exceed the maximum raw land purchase price for the subdivision.
 - [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.
 - [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.
 - [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.
 - [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.

[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.

[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 charges. Capital facilities charges are a nonrefundable fee set forth in the Master Fee Schedule, as amended and adopted from time to time, that are charged to customers connecting to the City's water system and function as a contribution toward existing or future facilities necessary to meet the service needs of City water system customers. Capital facilities charges shall be paid by the applicable subdivider, sanitary improvement district, or other entity identified in the invoice, to City within sixty (60) days of issuance of invoice from the City. In the event that capital facilities charges are not paid within sixty (60) days, , as required herein, capital facilities charges shall be collected based on the amount set forth in the Master Fee Schedule at the time that the fee is actually 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) Up to one hundred percent (100%) of the cost of any ADA compliant curb ramps.
 - (k) Up to one hundred percent (100%) of the cost of any fire hydrants.
 - (l) No more than fifty percent (50%) of the cost of any sediment basin cleanout and erosion control maintenance activities for public improvements following the initial private grading of the development.
 - (m) No more than fifty percent (50%) of any review fees charged by the City and incurred by a sanitary and improvement district for public improvements.
- (2) Special assessments may be levied for those public improvements that specially benefit those properties that either abut or use such public improvements.
- (a) The City shall typically consider the following as reasonable special assessments, subject to the final approval of City Council for each applicable subdivision:

[1] Up to one hundred percent (100%) of the entire cost of grading street right-of-way, including intersections.

- [2] Up to one hundred percent (100%) of the entire cost of all sanitary sewer lines and water mains up to eight inches (8") in diameter.
- [3] Up to one hundred percent (100%) of the entire cost of all paving and street construction up to twenty-five feet (25') in width, inclusive of curbs and gutters.
- [4] Up to one hundred percent (100%) of the entire cost of pavement thickness up to nine inches (9") for plain concrete for subdivisions with industrial zoning and up to one hundred percent (100%) of the entire cost of pavement thicknesses of seven inches (7") for plain concrete for subdivisions with any other zoning.
- [5] Up to one hundred percent (100%) of the difference between the cost of any storm sewers required to be greater than forty-eight inches (48") in diameter and the cost of any storm sewers with a diameter of exactly forty-eight inches (48"), but only so long as such storm sewers are located in public right-of-way or in an easement on private property.
- [6] Up to one hundred percent (100%) of all contract charges for underground electrical power and gas service.
- [7] Up to 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] Up to one hundred percent (100%) of the cost of sediment basin cleanout and erosion control maintenance activities for public improvements following the initial private grading of the development. A portion of such sediment basin cleanout and erosion control maintenance activities may be generally obligated as provided in §170-29(D)(1)(l).

- (b) Not less than fifty percent (50%) of the capital facilities charges.
- (c) Not less than fifty (50%) of review fees charged by the City and incurred by a sanitary and improvement district for public improvements.
- (d) None of the above special assessments shall be assessed against any outlot. Similarly, none of the above special assessments shall be assessed against any other lot, part thereof, lands, or other real property upon which structure(s) compatible with the zoning regulations of said real property cannot be built, except to the extent of the special benefit to said lot, part thereof, lands, and real property by reason of such improvement.

E. Subdivision agreement required before final plat approval. No final plat shall be approved by the City Council until the necessary subdivision agreement shall have

been entered into between the City and the subdivider. This agreement shall provide for the needs of the subdivision, including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, 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. In no event shall the annual levy of a sanitary and improvement district be less than the then-current levy assessed by the City on the taxable real property within the corporate limits of the City. All subdivision agreements shall be filed and recorded with the Sarpy County Register of Deeds.

F. Completion of improvements. The subdivider shall complete in a timely manner satisfactory to the City Council and City Engineer all improvements required in this chapter and/or subdivision agreements 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.

H. 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 inspected and approved by the City Engineer.

§ 170-30. Operation and maintenance of services.

Unless otherwise required or allowed by the applicable Nebraska Revised Statutes and City Code, it is the intention of the City to provide no services other than building, planning and zoning administration to that part of the Planning Jurisdiction located outside the corporate limits of the City (*i.e.*, City's extraterritorial jurisdiction). It 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 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.

§ 170-31. Other public lands.

A. 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. Such school site shall 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 first right to purchase the land. In the event the school site not be purchased by such school district in the time

specified, or in the event the school district indicates in writing that it no longer has an interest in purchasing such school site prior to the expiration of such three-year period, the subdivider may request platting for the purpose of resale. Any such school site shall be subdivided in manner comparable with land contiguous to it in case it is not purchased for school within said three-year period.

- B. 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 creation of future streets and logical re-subdivision.

ARTICLE VII. Special Provisions and Regulations

§ 170-32. Waivers.

- A. Granting of waivers; conditions. The Planning Commission may recommend and the City Council may grant waivers from the provisions of these regulations, provided that no waiver of § 170-11, § 170-12 § 170-32(B) or § 170-37 shall be granted nor any other provision which is required by applicable state or federal law. In order for the Planning Commission to recommend any such waiver and the City Council to approve the same, each such body must first determine that:
 - (1) There are unique circumstances or conditions affecting the property in question that are not the result of the actions of the subdivider.
 - (2) The waiver is necessary for the reasonable and acceptable development of the property in question.
 - (3) The granting of the waiver in such circumstances shall not be detrimental to the public welfare or injurious to adjacent property.
- B. Recording of plat. In no event shall the requirement of filing and recording a plat for a particular for subdivision be waived for such subdivision to be valid.
- 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 shall not be detrimental to the public health, safety and welfare.
- D. A subdivider requesting a waiver pursuant to the provisions of Subsection A of this section shall submit said request in writing to the 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 headings that appear in these regulations.

§ 170-33. Administrative adjustments.

A. Administrative adjustments defined. For the purpose of this section, a property owner may be eligible to seek approval to adjust an interior lot line or combine two or more lots:

- (1) Lot line adjustment. The adjustment of an interior lot line between two adjoining platted lots may be allowed, provided that the following conditions are met:
 - (a) The lots involved shall have the same zoning and the proposed adjustment shall not create a violation of Chapter 205, Zoning, of the Municipal Code.
 - (b) The lots involved 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 may be allowed, provided that the following conditions are met:
 - (a) The lots involved shall have the same zoning and the proposed consolidation shall not create a violation of Chapter 205, Zoning, of the Municipal Code.
 - (b) The lots involved shall be existing platted lots.

B. Administrative approval. When a proposed lot line adjustment or lot consolidation satisfies the applicable foregoing conditions, such line adjustment or lot consolidation may be approved administratively upon the approval and signature of the City Administrator, the City Engineer, and the Planning Director on the corresponding Mylar. The City Administrator and 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 application 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 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 Planning Director. The following shall be submitted with the application:

- (1) Application fee as established in the Master Fee Schedule.
- (2) Written consent of all property owners.
- (3) Four (4) original plats that provide the following information:
 - (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 certifying to the accuracy of the survey and plat.
 - (j) Certification, signed and acknowledged by all parties holding title or having any title interest in the land to be subdivided, granting consent 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.
 - (m) Certifications recording the approval of the City Administrator, the City Engineer, and the Planning Director.
- (4) A PDF file and an AutoCAD file for plat.
- (5) Verification as to whether or not easements are occupied. In the event that an easement is no longer required and is unoccupied, documentation of release

shall be required. In the event that an easement is required and/or is occupied, such easement shall be identified on the administrative plat.

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

D. Administrative review and action. Upon submittal, the Planning Department shall forward the application and all supplemental information to the City Administrator, City Engineer, and Public Works Department for review and comment.

E. Administrative action. The City Administrator and Planning Director shall both approve or deny the request for a lot line adjustment or lot consolidation within fifteen (15) business days of the filing date. In the event of denial, the Planning Director shall give the applicant a written statement of the reasons for the denial.

F. Administrative certificate of approval.

(1) The administrative plat shall include a certificate of approval to be signed by the City Administrator, Planning Director, and the City Engineer.

(2) Upon receiving approval, the applicant shall submit four (4) reproducible Mylars to the Sarpy County Register of Deeds office for filing and recording. The administrative plats stamped by the Sarpy County 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 promptly 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 and recorded the administrative plat with the Sarpy County Register of Deeds within ninety (90) days of the date of approval. It shall be the responsibility of the applicant to promptly furnish the Planning Department with one original administrative plat that has been filed and recorded with the Sarpy County Register of Deeds to show compliance with this requirement.

§ 170-34. Small subdivisions.

- A. Small subdivision defined. For purposes of this section, a property owner may be eligible to seek subdivision approval of a small subdivision provided the following conditions are met:
- (1) The tract of land consists of existing platted lots or blocks.
 - (2) The small subdivision does not contain more than six (6) lots.
 - (3) All required public improvements have been installed. Neither the extension of municipal facilities nor the creation of any public improvements would be required as a result of the small subdivision.
 - (4) 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.
 - (5) The approval of the small subdivision would not adversely affect the remainder of the parcel or adjoining property.
 - (6) It is the opinion of the Planning Director, the 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 shall have the right to approve small subdivision plats in compliance with Subsection A of this section, provided that the following conditions are met:
- (1) The City Engineer and City Administrator have affixed their signature to the small subdivision plat Mylar.
 - (2) The small subdivision is not in conflict with any provisions or portion of the Comprehensive Plan, the Zoning Ordinance, or this chapter.
 - (3) The small subdivision meets the conditions of § 170-34(A).
 - (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.
 - (5) The parcel has not been previously denied replatting by the City Council.

- (6) The small subdivision would not allow a duplex, townhome, condominium, or multiple-family development on land previously platted for single-family development.
 - (7) The small 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 as established in the Master Fee Schedule.
 - (2) Four (4) original plats that provide the information as required under § 170-12C of this chapter.
 - (3) A PDF file and an AutoCAD file for the small subdivision plat.
- D. Administrative review. Upon filing, the Planning Department shall forward the application, copies of the small subdivision plat and supplemental information with a request for comments in seven (7) business days, to the following:
- (1) City Administrator.
 - (2) City Engineer.
 - (3) Public Works Director.
- E. Administrative action. The Planning Director or designee shall approve or deny the small subdivision within fifteen (15) business days of the filing date. In the event of denial, the subdivider shall be provided with a written statement of reasons for the denial.
- F. Administrative certificate of approval. In lieu of § 170-12B(12) and (13) of this chapter, small subdivisions eligible for administrative approval shall include certificates of approval to be signed by the Planning Director, the City Engineers and the City Administrator. Upon receiving administrative approval, the plat shall be filed and recorded with the Sarpy County Register of Deeds as specified in Subsection I of this chapter.
- G. Appeal of administrative 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 denied.

- H. Planning Commission and City Council review and action. If the small subdivision does not qualify for administrative approval or has been administratively 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 a minimum of four (4) reproducible Mylars to the Sarpy County Register of Deeds office for filing and recording. The administrative small subdivision plat Mylars stamped by the Sarpy County 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.
- J. Easement filing. Upon filing and recording of the administrative small subdivision plat, the applicant shall file and record any required easement dedications with the Sarpy County Register of Deeds and promptly provide proof of filing to the Planning Department.

ARTICLE VIII. Administration

§ 170-35. Amendment procedures.

Any provision of these regulations may be amended, supplemented, changed, modified, or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications, or repealed provisions shall not become effective until after review and recommendation by the Planning Commission; except the City Council may take such action it deems appropriate if no 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, by ordinance, vacate any final plat or addition to the municipality, whether located in the City's corporate limits or in its extraterritorial jurisdiction, 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 may only 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 filed recorded with the Sarpy County Register of Deeds by the owner or owners.

ARTICLE IX. Enforcement; Complaints, Penalties

§ 170-37. Approval required prior to legal filing.

No map, plan, plat, or replat of any subdivision within the Planning Jurisdiction of this chapter shall be considered legally filed and recorded with the Sarpy County Register of Deeds for the county unless and until the same shall have been approved by the City Council.

§ 170-38. 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. The Planning Director shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter.

§ 170-39. Violations and penalties.

Any person or persons who is found by a court of competent jurisdiction to have violated any of the prohibitions or provisions of any article or section of this chapter shall be deemed guilty of a Class III misdemeanor and shall be punished by a penalty not to exceed five hundred dollars (\$500) and/or imprisonment for any length of time not to exceed three (3) months 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

§ 170-40. 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 invalid 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 structure(s), 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 affect, impair, or nullify this chapter as a whole or the application of any provisions thereof to any other lot, building, other structure(s), or tract of land.

TABLE I
STREET DESIGN STANDARDS

Road Classification	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)	80	155 (See Note 1)	See Note 1	See Note 1	See Note 1
Minimum Street Slope	0.7%	0.7%	0.7%	0.7%	0.7%
Maximum Street Slope	12%	10%	10%	10%	See Note 1
Minimum Centerline Radius on Horizontal Curves (in ft)	100	100 (See Note 1)	See Note 1	See Note 1	See Note 1

Note 1: Standards for streets with a design speed of 25 MPH or greater, excluding arterial streets, shall be determined by AASHTO standards or state. Standards for arterial streets shall be determined by AASHTO standards 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	37	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	60	37	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 IV
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 1
Over 8 inches diameter	15 feet	20 feet	See Note 1
<i>Sanitary sewer lines:</i>			
8 inches or less diameter	10 feet	20 feet	See Note 1
Over 8 inches diameter	15 feet	20 feet	See Note 1
<i>Storm sewers:</i>			
18 inches or less diameter	10 feet	20 feet	See Note 1
Over 18 inches diameter	15 feet	20 feet	See Note 1
Over 18 inches diameter	See Note 1	See Note 1	See Note 1

NOTES:

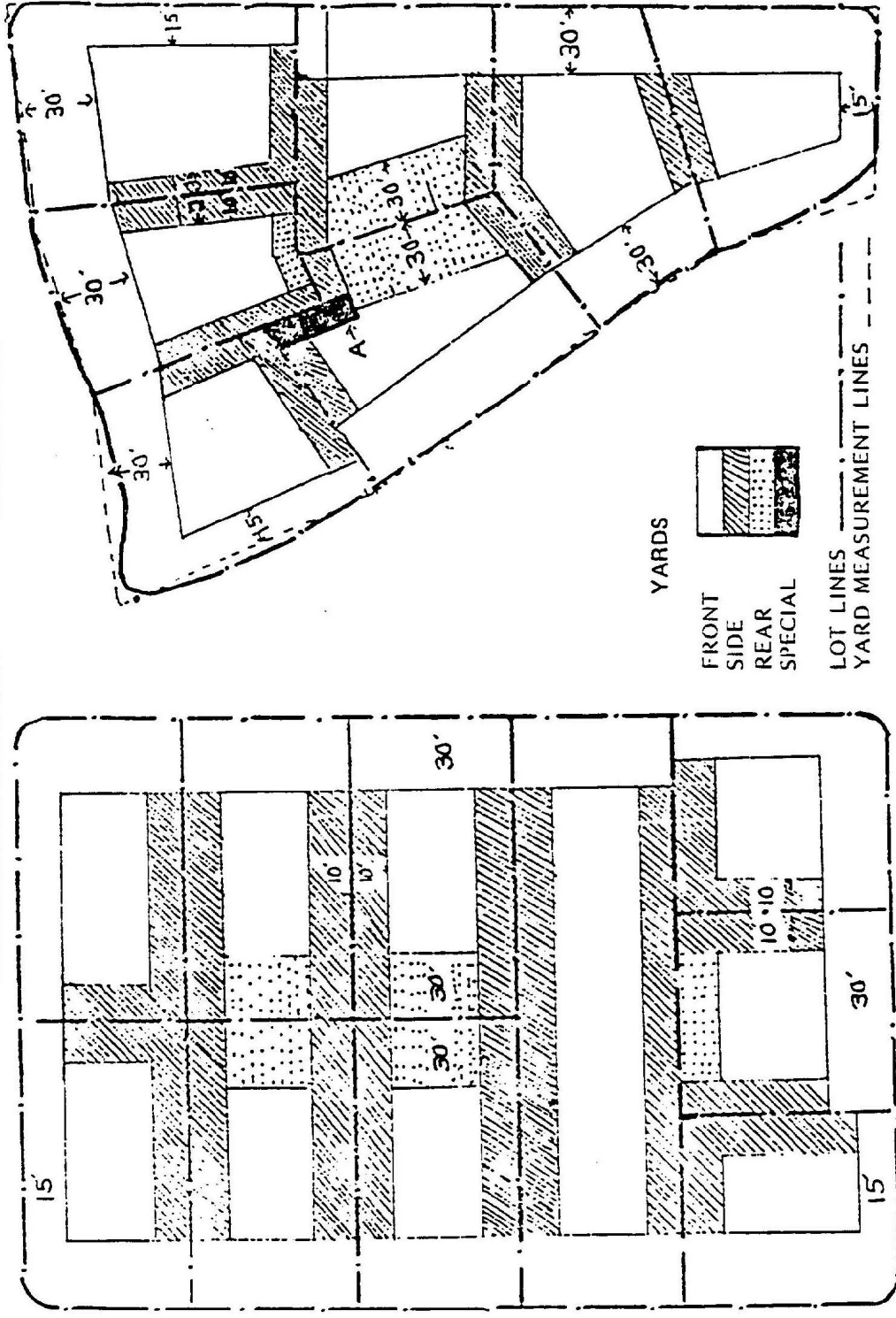
1. Width of easements for utilities with depths of more than 12 feet or diameters greater than 18 inches shall be based on recommendations of the City Engineer. The width may be calculated as the sum in feet of the following: The diameter of the utility plus four feet plus 1.5 times the depth in feet from the ground surface to the invert.
2. Easements along side yards shall be of sufficient width so that building footings shall lie three feet outside easement limits.
3. 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)

LOCATION AND MEASUREMENTS OF YARDS AND LOTS



The illustration here assumes front yard depths required at 30 feet (half-depth front yards — 15 feet), side yard widths 10 feet and rear yard depths 30 feet. Note that at "A," a special yard is shown indicating treatment where usual side or rear yard terminology would be difficult to apply, but purpose of the yard is clear.