

SUBDIVISION REGULATIONS

PREPARED FOR THE
VILLAGE OF WAUNETA
CHASE COUNTY, NEBRASKA

PREPARED BY

JEO Consulting Group, Inc.
402/443-4661 P.O. BOX 207 WAHOO, NEBRASKA 68066

TABLE OF CONTENTS

ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS	1
SECTION 1.01 NAME AND CITATION OF TITLES	1
SECTION 1.02 PURPOSE.....	1
SECTION 1.03 RULES	1
SECTION 1.04 DEFINITIONS.....	1
ARTICLE 2: GENERAL PROVISIONS	6
SECTION 2.01 GENERAL PROVISIONS; JURISDICTION	6
SECTION 2.02 GENERAL PROVISIONS; POWERS	6
SECTION 2.03 APPLICABILITY.....	6
SECTION 2.04 EXEMPTIONS	6
SECTION 2.05 GENERAL PROVISIONS; INTERPRETATION.....	6
SECTION 2.06 GENERAL PROVISIONS; CONFLICT.....	6
SECTION 2.07 GENERAL PROVISIONS; ZONING PERMITS.....	6
SECTION 2.08 GENERAL PROVISIONS; AMENDMENTS.....	6
SECTION 2.09 GENERAL PROVISIONS; MODIFICATIONS	7
SECTION 2.10 GENERAL PROVISIONS; FEES	7
SECTION 2.11 GENERAL PROVISIONS APPLICABLE TO ALL SUBDIVISION REQUESTS	7
ARTICLE 3: PROCEDURES	9
SECTION 3.01 PROCEDURE FOR FILING PRE-APPLICATION PLANS AND DATA.....	9
SECTION 3.02 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT.....	9
SECTION 3.03 PRELIMINARY PLAT SPECIFICATIONS	10
SECTION 3.04 PROCEDURE FOR APPROVAL OF FINAL PLAT	11
SECTION 3.05 FINAL PLAT SPECIFICATIONS.....	11
SECTION 3.06 VACATION OF PLAT	12
SECTION 3.07 REPLATS.....	12
SECTION 3.08 ADMINISTRATIVE PLATS	13
ARTICLE 4: DESIGN STANDARDS	14
SECTION 4.01 DESIGN STANDARDS; GENERAL	14
SECTION 4.02 DESIGN STANDARDS; STREETS.....	14
SECTION 4.03 DESIGN STANDARDS; DEDICATION OF RIGHTS-OF-WAY FOR NEW STREETS.....	14
SECTION 4.04 DESIGN STANDARDS; DEDICATION OF RIGHTS-OF-WAY FOR EXISTING STREETS	14
SECTION 4.05 DESIGN STANDARDS; FRONTAGE ROADS	14
SECTION 4.06 DESIGN STANDARDS; INTERSECTIONS	15
SECTION 4.07 DESIGN STANDARDS; CURVES IN STREETS; HORIZONTAL AND VERTICAL	15
SECTION 4.08 DESIGN STANDARDS; STREET GRADES AND ELEVATIONS.....	15
SECTION 4.09 DESIGN STANDARDS; ACCESS CONTROL.....	15
SECTION 4.10 DESIGN STANDARDS; STREET JOGS.....	15
SECTION 4.11 DESIGN STANDARDS; CUL-DE-SAC STREETS	15
SECTION 4.12 DESIGN STANDARDS; STREET NAMES	16
SECTION 4.13 DESIGN STANDARDS; PRIVATE STREETS AND RESERVE STRIPS	16
SECTION 4.14 DESIGN STANDARDS; ALLEYS	16
SECTION 4.15 DESIGN STANDARDS; WATER LINES AND HYDRANTS	16
SECTION 4.16 DESIGN STANDARDS; WATER MAINS AND SEWER MAINS	16
SECTION 4.17 DESIGN STANDARDS; SIDEWALKS.....	16
SECTION 4.18 DESIGN STANDARDS; BLOCKS.....	16
SECTION 4.19 DESIGN STANDARDS; LOTS	16
SECTION 4.20 DESIGN STANDARDS; THROUGH LOTS	16
SECTION 4.21 DESIGN STANDARDS; EASEMENTS	17
SECTION 4.22 DESIGN STANDARDS; STORM SEWER SYSTEM.....	17
SECTION 4.23 DESIGN STANDARDS; FLOOD HAZARDS	17
SECTION 4.24 DESIGN STANDARDS; CONFORMANCE WITH OTHER REGULATIONS	17
SECTION 4.25 SCHEDULE A: MINIMUM STREET STANDARDS	17
ARTICLE 5: REQUIRED IMPROVEMENTS.....	18

SECTION 5.01	REQUIRED IMPROVEMENTS; GENERAL	18
SECTION 5.02	REQUIRED IMPROVEMENTS; MONUMENTS AND MARKERS	18
SECTION 5.03	REQUIRED IMPROVEMENTS; STREET GRADING, CONSTRUCTION AND SURFACE TYPE	18
SECTION 5.04	REQUIRED IMPROVEMENTS; STREET SIGNS, LIGHTING AND ELECTRICAL POWER	19
SECTION 5.05	REQUIRED IMPROVEMENTS; LANDSCAPE SCREENS	19
SECTION 5.06	REQUIRED IMPROVEMENTS; DRAINAGE	19
ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND		21
SECTION 6.01	DEDICATION	21
SECTION 6.02	RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE	21
ARTICLE 7: WAIVERS AND ANNEXATIONS.....		22
SECTION 7.01	GRANTING OF WAIVERS (EXCEPTIONS) AND CONDITIONS	22
SECTION 7.02	SUBDIVISION; ANNEXATION OF ADJOINING OR CONTIGUOUS PROPERTIES	22
SECTION 7.03	AMENDMENTS	22
ARTICLE 8: ADMINISTRATION AND ENFORCEMENT		23
SECTION 8.01	GENERAL.....	23
SECTION 8.02	FEES FOR PARKS AND OPEN SPACES.....	23
SECTION 8.03	AMENDMENTS	23
SECTION 8.04	VIOLATION AND PENALTIES	23
ARTICLE 9: CERTIFICATION AND DEDICATION STATEMENTS.....		24
SECTION 9.01	NOTARY PUBLIC ACKNOWLEDGMENT.....	24
SECTION 9.02	SURVEYOR’S CERTIFICATION	24
SECTION 9.03	APPROVAL OF WAUNETA PLANNING COMMISSION	24
SECTION 9.04	ACCEPTANCE BY WAUNETA VILLAGE BOARD	25
SECTION 9.05	ACCEPTANCE BY CHASE COUNTY REGISTER OF DEEDS	25
SECTION 9.06	REVIEW OF CHASE COUNTY SURVEYOR.....	25
SECTION 9.07	CHASE COUNTY TREASURER’S CERTIFICATIONS.....	25
SECTION 9.08	ADMINISTRATIVE PLAT APPROVAL	26
SECTION 9.09	OWNERS CERTIFICATION.....	26

ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS

Section 1.01 Name and Citation of Titles

These regulations shall be known, referred to and cited as "The Subdivision Regulations of Wauneta, Nebraska."

Section 1.02 Purpose

The purpose of these regulations is to provide for the orderly development of Wauneta and its jurisdiction. This will be done through prescribed rules and standards establishing functional arrangements of street layouts; open spaces; and adequate community facilities and utilities. These Subdivision Regulations will coordinate development with the Village's transportation, land use and capital facilities plans, and will provide conditions favorable for the health, safety and convenience of the community, in accordance with applicable State Statutes.

Section 1.03 Rules

For the purpose of this ordinance the following rules shall apply:

Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.

The word "persons" includes a corporation, members of a partnership or other business organization, a committee, Board, commission, trustee, receiver, agent or other representative.

The word "shall" is mandatory, the word "may" is permissive.

The words "use," "used," "occupy," or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.

The word "Commission" shall refer to the Planning Commission of the Village of Wauneta, Nebraska.

Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

Each gender shall include the other.

Section 1.04 Definitions

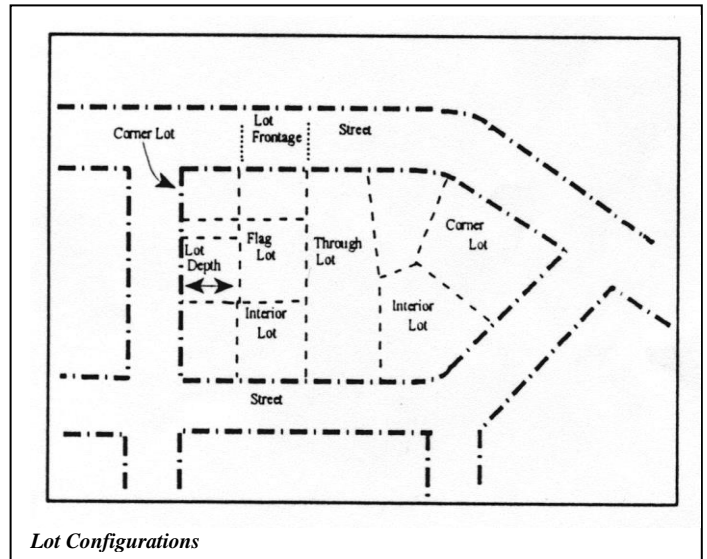
For the purpose of these regulations, certain words used herein are defined as follows:

- 1.04.01 **ALLEY** shall mean a public thoroughfare that affords only secondary access to property abutting thereon.
- 1.04.02 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.
- 1.04.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.
- 1.04.04 **BOND** shall mean any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Board which meets the intent of such security required by this Ordinance.
- 1.04.05 **BOUNDARY ADJUSTMENT** shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
- 1.04.06 **BUILDING INSPECTOR** shall mean the Building Inspector of the Village of Wauneta.
- 1.04.07 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of

a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back or where the lot width meets the minimum lot width required in the district, whichever is greater.

- 1.04.08 **CLERK** shall mean the Village Clerk of the Village of Wauneta, Nebraska.
- 1.04.09 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Wauneta, Nebraska, as adopted by the Planning Commission and the Village in accordance with the laws of the State of Nebraska and the ordinances of Wauneta.
- 1.04.10 **CONDITIONAL APPROVAL** shall mean approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.
- 1.04.11 **CUL-DE-SAC** shall mean a short public way with one end open to traffic and the other end terminated by a vehicular turn-around.
- 1.04.12 **DEAD END STREET** shall mean a public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.
- 1.04.13 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.04.14 **DESIGN** shall mean the location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, topographical changes and the designation of minimum lot area, width and length.
- 1.04.15 **DEVELOPER** See "Subdivider".
- 1.04.16 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation, or person(s) for a specific purpose or purposes.
- 1.04.17 **FLOOD** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any sources.
- 1.04.18 **FLOOD PLAIN** shall mean any land designated by the Nebraska Natural Resources Commission, the Nebraska Department of Water Resources, or the Federal Emergency Management Agency that is susceptible to being inundated by water from any source.
- 1.04.19 **FLOODWAY** shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 1.04.20 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.
- 1.04.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the Village Board or its specific approving authority.
- 1.04.22 **LOT** shall mean a parcel, tract or area of land created in conformance with these regulations that may be separately owned, used, developed or built upon.
1. **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.

2. **LOT, FLAG** shall mean a lot that is landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
 3. **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
 4. **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.
- 1.04.23 **LOT DEPTH** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.04.24 **LOT FRONTAGE** shall mean the portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.04.25 **LOT LINE** shall mean the boundary line of a lot.
- 1.04.26 **LOT MINIMUM AREA** shall mean the minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.
- 1.04.27 **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.
- 1.04.28 **LOT, PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the Village and recorded in the office of the Register of Deeds for Chase County.
- 1.04.29 **LOT COMBINATION** shall mean a method for approval of lot boundary adjustments or lot reductions, which reduces the number of lots to not greater than two.
- 1.04.30 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Chase County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of these regulations.
- 1.04.31 **LOT SPLIT** shall mean a subdivision of land involving the division of one lot into two lots.
- 1.04.32 **LOT WIDTH** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.
- 1.04.33 **MONUMENT** shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 1.04.34 **OPEN SPACE** shall mean an area of land or water or combination thereof planned for recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.



- 1.04.35 **PEDESTRIAN WAY** shall mean a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- 1.04.36 **PLANNING AND ZONING BOARD** shall mean the Planning and Zoning Board of Wauneta, Nebraska.
- 1.04.37 **PLAT** shall mean a map which delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
1. **PLAT, FINAL** shall mean the Final Plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.
 2. **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.
- 1.04.38 **PLAT OF RECORD** shall mean a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds of Chase County.
- 1.04.39 **REPLAT** shall mean the further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.
- 1.04.40 **STREET** shall mean public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the Village Board, private streets may be authorized as part of planned developments.
1. **STREET, COLLECTOR** shall mean a street or highway which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.
 2. **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.
 3. **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 1.04.41 **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 1.04.42 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, of transfer of ownership or building development, whether immediate or future, provided that the smallest lot created by the division is less than ten (10) acres in size.
- 1.04.43 **SUBDIVISION AGREEMENT** shall mean an agreement between a subdivider and the City that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.
- 1.04.44 **TURNAROUND** shall mean a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.
- 1.04.45 **VILLAGE** shall mean the Village of Wauneta, Nebraska.
- 1.04.46 **VILLAGE BOARD OF TRUSTEES** shall mean the governing body for the Village of Wauneta, Nebraska.

- 1.04.47 **VILLAGE ENGINEER** shall mean the engineer ordinarily retained by Wauneta, Nebraska, for the recommendation, advice and execution of engineering work as requested by the Village.
- 1.04.48 **WAIVER** shall mean permission to depart from the requirements of an ordinance with respect to the submission of required documents.
- 1.04.49 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.04.50 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the Village of Wauneta, as amended from time to time.
- 1.04.51 **ZONING PERMIT** shall mean any permit required by the City and issued by the Zoning Administrator, to be obtained by any person engaged in any activity governed by the regulations set forth in this Ordinance.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 General Provisions; Jurisdiction

The provisions of these regulations shall apply to all land located within the legal boundaries of the Village of Wauneta, as the same may be amended by subsequent annexation, and shall also include all land lying within one (1) mile of the corporate limits of the Village, and not located in any other municipality.

Section 2.02 General Provisions; Powers

No plat of a subdivision of land lying within the jurisdiction of the Village shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made by the Planning Commission to the Village Board and the Village Board has approved the Final Plat.

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

Section 2.03 General Provisions; Applicability

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

Section 2.04 General Provisions; Exemptions

These regulations shall not apply in the following instances: 1) The division of land for agricultural purposes into parcels or tracts of more than ten acres, 2) A change in the boundary between adjoining lands which does not create an additional or substandard lot but only after review and approval by the governing body, 3) Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved, and 4) Any transfer by operation of law.

Section 2.05 General Provisions; Interpretation

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 2.06 General Provisions; Conflict

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

Section 2.07 General Provisions; Zoning Permits

Unless a tract shall have been platted in accordance with the provisions of this Article, no zoning permit shall be issued.

Section 2.08 General Provisions; Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the governing body; provided, however, that such amendments shall not become effective until after a study by the Planning Commission; and a public hearing in relation thereto has been held, public notice of which

shall have been published in a newspaper of general circulation at least one (1) time, ten (10) days prior to such hearing.

Section 2.09 General Provisions; Modifications

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

Section 2.10 General Provisions; Fees

All fees regarding the subdivision procedure shall be set by a separate ordinance. The developer shall be responsible for all review and inspection fees regarding a subdivision.

Section 2.11 General Provisions Applicable to all Subdivision Requests

2.11.01 General. The provision of this Article shall apply to all subdivision requests regardless of the procedure used to secure approval, unless otherwise specifically noted.

2.11.02 Building and Occupancy Permits. No official of the Village shall issue either a zoning permit or occupancy permit on any property which does not comply with the zoning and subdivision regulations of the Village of Wauneta. The issuance of any zoning permit or occupancy permit does not relieve the owner thereof from compliance with all of the terms and conditions of the Subdivision Regulations, including improvements and subdivision design. It is the duty and obligation of the owner of the property to ensure compliance with the Ordinances of the Village.

2.11.03 Improvements Warranty and Guarantee. Upon approval of the subdivision, and prior to filing the subdivision with the Register of Deeds, the subdivider shall provide a warranty to the Village for all workmanship and materials used for one year from the date of acceptance, and a guarantee for the construction for all improvements required by his Ordinance.

2.11.04 Performance bond. Upon approval of the subdivision, and prior to filing the subdivision with the Register of Deeds, the subdivider shall surrender to the Village possession of a performance bond. Said bond shall be in an amount adequate to cover one hundred ten percent (110%) of the cost of the design, construction, and installation of all improvements shown on the Final Plat, as established by the subdivider and accepted by the Village Board upon recommendation of the Village Engineer. No officer of the Village is authorized to sign any document indicating approval of any subdivision application until the filing and acceptance of a satisfactory performance bond. Said performance bond shall be either issued by a reputable insurance company licensed to issue such bonds in the State of Nebraska, or a cash bond. Where a cash bond is used, the subdivider or owner may present a Certificate of Deposit issued in the subdivider's or owner's name and federal identification number for a term not to exceed six (6) months, which shall be endorsed payable to the Village of Wauneta, Nebraska and which shall be attached to a bond form.

2.11.05 Time for Construction of Improvements. Regardless of the subdivision procedure utilized, unless otherwise specified in the document approving the subdivision, required improvements will be constructed as follows:

1. Prior to the issuance of any zoning permit for any land within the subdivision, all streets, sanitary sewer mains, water supply mains, natural gas mains, electricity and telephone trunk lines and cable television trunk lines, street signs, permanent survey monuments, bench marks, and street lights shall be installed and completed by the subdivider, operating and approved as provided in the Subdivision Regulations.
 2. Prior to the issuance of an occupancy permit for any structure within the subdivision, all sidewalks, street trees, and storm drainage shall be installed and completed by the subdivider, operating and approved as provided in the Subdivision Regulations, provided that if storm drainage on other property is required in order to provide proper functioning of storm drainage on the property in question, such additional storm drainage shall also be completed prior to the issuance of an occupancy permit.
- 2.11.06 Title and Taxes. At the time of the filing of the application for a subdivision, the subdivider shall provide evidence of title and evidence that all taxes and special assessments have been paid on the land which is the subject of the subdivision application.
- 2.11.07 Approval Resolution. Passage of the Resolution approving any subdivision request requires a majority of the Village Board. The resolution of approval shall contain a statement of all improvements required and the schedule by which improvements are to be completed if different in any way from the schedule set forth in the Subdivision Regulations. The type of bond posted to secure design and construction of required improvements shall also be identified.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data

3.01.01 Prior to the filing of an application for approval of a Preliminary Plat the subdivider shall submit to the Planning Commission plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

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

3.01.02 These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Planning Commission will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of this Ordinance. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the Preliminary Plat.

Section 3.02 Procedure for Approval of Preliminary Plat

Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the Village of Wauneta or which is within a one mile limit of the Village of Wauneta or which is proposed to be annexed, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the Wauneta Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Planning Commission shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.

Twenty (20) Copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted to the Village Clerk at least forty-five (45) days prior to the meeting at which it is to be considered. The Clerk shall distribute one (1) copy of the Preliminary Plat with a request for comments within twenty-one (21) days to each of the following: Village Engineer, School Board, Fire District, Police Department, Chase County if the subdivision is located outside the corporate limits, and to whomever else deemed necessary by the Planning Commission.

The Planning Commission will consider the Preliminary Plat at a public hearing, after proper notice, and will (1) review the Preliminary Plat and other material submitted for conformity to these regulations and (2) review any recommendations of the Village Engineer, School Board, Fire Department, Police Department, Chase County and other Agencies and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by subdivider. The Planning Commission shall act on the plat as submitted. The Planning Commission may (1) approve with no conditions and forward to the Village Board, (2) conditionally approve and state the conditions of such approval, or (3) disapprove and state the reasons for such disapproval.

The action of the Planning Commission shall be noted on or attached to two (2) copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.

Upon a Planning Commission recommendation of approval or disapproval, the clerk shall set a date and time for a public hearing before the Village Board along with proper notice thereof. The notice must be published at least ten

(10) days prior to the hearing in a paper of general circulation in the Village of Wauneta. The Village Board shall act on the Preliminary Plat as submitted, and may (1) concur with the Planning Commission's recommendation; (2) reverse the Planning Commission's recommendation; or (3) refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions.

Procedure for approval of Preliminary Plats of land within one (1) mile of the corporate limits shall be the same, except that one (1) copy of the Preliminary Plat shall be referred to Chase County with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take final action on the Plat prior to receiving recommendations from Chase County. If no recommendation is received within thirty (30) days, the Preliminary Plat shall be deemed approved by Chase County.

Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat, as modified by any required conditions. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of one (1") inch to one hundred (100') feet; shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

1. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
2. The proposed name of the subdivision, designated as "_____ Addition to the Village of Wauneta, Nebraska", which must not be so similar to an existing subdivision as to cause confusion.
3. The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect responsible for the Preliminary Plat.
4. The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and the approximate acreage of the proposed development.
5. The width and location of platted streets and alleys within or adjacent to the property.
6. The physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet (5') or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required), and any floodway, floodplain, and flood fringe areas.
7. The proposed lot layout, lot and block numbers, and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
8. The location and width of proposed streets, easements, building setback lines, rights-of-way, pavement widths and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by these regulations.
9. The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.
10. The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within three-hundred feet (300') of the perimeter of the property being proposed for subdivision.
11. Names of adjacent subdivisions together with arrangement of streets and lots.
12. One (1) draft copy of the Subdivision Agreement including any requests for waivers from the requirements of this Ordinance.
13. The subdivider or subdividers representative shall be in attendance at the Village Planning Commission Meeting when Preliminary Plat is discussed.
14. Two (2) copies of the following, prepared by a registered professional engineer, to be delivered to the Village Engineer for review:
 - a) A sanitary sewer plan.
 - b) A drainage plan, pursuant to Section 5.06.
 - c) A street profile plan with a statement of proposed street improvements.
 - d) A water distribution plan.
 - e) A traffic impact analysis.

Section 3.04 Procedure for Approval of Final Plat

The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time. The Final Plat shall be submitted to the Planning Commission for approval at least twenty-one (21) days prior to the meeting at which it is to be considered. One (1) original, one (1) reproducible copy printed on mylar, and twenty (20) copies of the original shall be prepared as specified in these regulations.

The Final Plat shall be submitted to the Village Board for approval and adoption prior to the start of construction. The Village Board shall consider the Final Plat at their regular meeting, in a public hearing advertised by published notice at least ten (10) days prior to the hearing in a paper of general circulation in the Village of Wauneta. Final approval by the Village Board shall be by Ordinance only after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of this Ordinance. Upon approval of the Final Plat, a certification of approval by the Village Board shall be endorsed thereon by the Village Clerk, and the original shall be filed with the Chase County Clerk, the reproducible copy shall be filed with the Village Clerk, and the twenty (20) copies of the original with the Planning Commission.

Section 3.05 Final Plat Specifications

After approval of the Preliminary Plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a Final Plat prepared for recording purposes registered land surveyor. The Final Plat, in conformance with the approved Preliminary Plat, shall include:

1. The name of subdivision.
2. The date and a north arrow and graphic scale.
3. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards For Surveys", as established by the Professional Surveyors Association of Nebraska.
4. A legal description of the perimeter of the subdivision.
5. The location and names of adjacent subdivisions, streets, alleys and any easements.
6. Location and names or numbers of lots, streets, easements, public highways, alleys and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of iron pipe or iron rod, or some other material capable of being detected by commonly used magnetic locators. Monuments shall have a minimum diameter of five-eighths inch (5/8") and minimum length of twenty-four inches (24").
8. A notarized owner's certification statement signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided, consenting to the Final Plat, including the dedication of parts of the land for streets, easements, and other purposes, pursuant to Sections 9.09 and 9.01.
9. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Sections 9.02 and 9.01.
10. A signature block for the Chase County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 9.07.
11. A signature block for the approval of the Planning Commission, pursuant to Section 9.03.
12. A signature block for the approval of the Village Board, to be signed by the Village Board Chairperson and attested to by the Village Clerk, pursuant to Section 9.04.
13. A signature block for the Chase County Register of Deeds, pursuant to Section 9.05.
14. A signature block for the Chase County Surveyor, pursuant to Section 9.06.
15. A performance bond pursuant to Section 2.11.
16. One (1) copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
17. One (1) copy of any construction plans and specifications.
18. Three (3) original copies of the Subdivision Agreement with a signature block for the Village Board Chairperson and attestation of the Village Clerk.
19. Two (2) copies of the following, prepared by a registered professional engineer, to be delivered to the Village Engineer for review:
 - a) A sanitary sewer plan.

- b) A drainage plan, pursuant to Section 5.06.
- c) A street profile plan with a statement of proposed street improvements.
- d) A water distribution plan.
- e) A traffic impact analysis.

Section 3.06 Vacation of Plat

- 3.06.01 Applicability: An owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:
- 1 The Plat to be vacated is a duly recorded Final Plat or Replat.
 - 2 The vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
- 3.06.02 Procedures: The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the Village Board. The Village Board shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Chase County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation. If the proposal is disapproved, the Village Board shall state which of the reasons stated in Section 3.06.01 require such disapproval. The applicant shall be allowed to submit a new application upon a showing that the reason or reasons for disapproval have been corrected.

Section 3.07 Replats

- 3.07.01 Whenever a Replat of an existing subdivision results in ten (10) or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Planning Commission, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:
- 1 Be discussed with the Planning Commission at a scheduled pre-application Conference pursuant to Section 3.01.
 - 2 Be submitted to the Village Clerk at least twenty-one (21) days prior to the next regular meeting of the Planning Commission at which request is to be heard.
 - 3 Be accompanied by the applications fees and completed application forms as required.
 - 4 Follow the procedure set forth for herein and contain the required Preliminary and Final Plat information.
 - 5 Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
- 3.07.02 Disapproval of Replats shall be based on the following guidelines:
- 1. A new street or alley is needed or proposed.
 - 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 - 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 - 5. All easement requirements have not been satisfied.
 - 6. Such action taken during a replat will result in a tract without direct access to a street.
 - 7. A substandard-sized lot or parcel will be created.
- 3.07.03 Changes required by the Planning Commission shall be made prior to submission to the Village Board. Replats shall be submitted to the Village Clerk prior to the start of construction and at least fifteen (15) days prior to the next regular meeting of the Village Board. The Village Board shall review and act on the Replat at a public hearing. Notice for such hearing shall be posted at least ten (10) days prior to the hearing in a paper of general circulation in the Village of Wauneta. The Village Board shall, in writing, either approve the Replat with or without conditions, or disapprove the Replat and state the reasons thereof.

Section 3.08 Administrative Plats

- 3.08.01 The intent of this section is to provide for lots splits, lot combinations, and boundary adjustments which result in lots divided or combined into not more than two (2) tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The Zoning Administrator shall review the administrative plat application and make a final determination. The Zoning Administrator may approve or disapprove administrative plats in accordance with the following regulations.
- 3.08.02 Requests for an Administrative Plat approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Four (4) copies on mylar of the Administrative Plat shall include the following:
1. A survey of the lot(s).
 2. Location and precise nature of any structures located thereon, if any.
 3. Location and dimensions of the proposed administrative plat.
 4. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Sections 9.02 and 9.01.
 5. A signature block for the Chase County Register of Deeds, pursuant to Section 9.05.
 6. A signature block for the Chase County Surveyor, pursuant to Section 9.06.
 7. A signature block for the Chase County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 9.07.
 8. A signature block for the approval of the Village Board, to be signed by the Village Board chairperson and attested to by the Village Clerk, pursuant to Section 9.08.
- 3.08.03 Disapproval of administrative plats shall be based on the following guidelines:
1. A new street or alley is needed or proposed.
 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 5. All easement requirements have not been satisfied.
 6. Such action taken during an administrative plat will result in a tract without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
 8. The lot has been previously split in accordance with this Ordinance.
- 3.08.04 No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
- 3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the Village Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
- 3.08.06 The Zoning Administrator shall, in writing, either approve the Administrative Plat with or without conditions, or disapprove the Administrative Plat and state the reasons thereof, within a reasonable time of application.
- 3.08.07 The filing fee for Administrative Plats shall be set in accordance with Section 2.10.
- 3.08.08 After approval from the Zoning Administrator all copies must be certified by all applicable parties and two (2) copies filed with the city prior to the issuance of a zoning permit.

ARTICLE 4: DESIGN STANDARDS

Section 4.01 Design Standards; General

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the Comprehensive Development Plan.

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

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

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

Section 4.02 Design Standards; Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets. All streets shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classification and Standards. See Schedule A for Minimum Street Standards.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a right-of-way radius of at least fifty feet (50') and a paving radius of thirty feet (30'), or other approved design.

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

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule A of this Ordinance. The Village shall approve access to lots located on arterials.

Where a subdivision fronts on an arterial street, the Planning Commission shall, where possible, require frontage roads. Where lots back up to an arterial street and such lots have access by means other than the arterial street, a frontage road may not be required.

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

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

Section 4.05 Design Standards; Frontage Roads

Where a front or side yard abuts railroad, limited access freeway, or principal highway or arterial street rights-of-way, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way when necessary for adequate protection of properties from the arterial street and to protect and preserve the

safety and traffic handling capabilities of the arterial street. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections. In the case of lots where the rear yard is adjacent to an arterial street and such lots have access other than of off the arterial street frontage, a frontage road may not be required.

Section 4.06 Design Standards; Intersections

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be constructed at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. Larger intersection radii may be required in industrial or commercial area or when directed by the Village Engineer. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Commission may require curb radii of greater length.

Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than seventy-five feet (75'), or more at the discretion of the Village Engineer.

Consideration shall be given to street and right-of-way widths such that minimum sidewalk requirements are maintained.

Section 4.07 Design Standards; Curves in Streets; Horizontal and Vertical

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

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Maximum requirements shall conform to the standards in Schedule A of this Ordinance.

Minimum sight distances shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classifications and Standards.

Section 4.08 Design Standards; Street Grades and Elevations

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. The minimum street grade shall not be less than four tenths of one percent (0.4%). Minimum grades for gutters and ditches shall be four tenths and five tenths of one percent (0.4% and 0.5%), respectively. The Village may allow lesser slopes if approved by the Village Engineer. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not increase flood elevations more than one foot (1'). Street grades shall conform to the maximum requirements provided in Schedule A of this Ordinance.

Section 4.09 Design Standards; Access Control

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and Village Board shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the Final Plat.

Section 4.10 Design Standards; Street Jogs

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

Section 4.11 Design Standards; Cul-de-sac Streets

Cul-de-sacs shall not be longer than five hundred feet (500') and shall provide a turnaround having a radius at the outside of the pavement of at least fifty feet (50') and a radius at the right-of-way of at least sixty feet (60'). Alternative designs for temporary turnarounds may be approved by the Village. Streets dead-ending or terminating in a temporary turnaround shall not have a length greater than five-hundred feet (500') or a radius at the right-of-way less than sixty feet (60'). Cul-de-sac and temporary turnarounds shall be measured from the center of the cul-de-sac or temporary turnaround to the nearest right-of-way line of the intersecting street.

Section 4.12 Design Standards; Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. The name of a proposed street which is not in alignment with an existing street shall not be named so similarly to the name of any existing street as to cause confusion. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Village Board prior to such names being assigned or used.

Section 4.13 Design Standards; Private Streets and Reserve Strips

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and Village Board as an exception to the terms of the Ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 4.14 Design Standards; Alleys

Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, however, where a dead-end alley cannot be avoided, a dead-end alley shall be provided with adequate turnaround capacity at the dead-end. Alleys should be avoided in residential areas except where an existing alley of an adjoining subdivision would dead-end at the boundary of the proposed subdivision.

Section 4.15 Design Standards; Water Lines and Hydrants

All water mains within a subdivision shall be a minimum of six inches (6") in diameter. All water mains and/or water hydrants shall be looped, unless a dead-end is approved by the Village Engineer. Hydrants shall not be spaced or located more than six hundred feet (600') apart.

Section 4.16 Design Standards; Water Mains and Sewer Mains

Except for good cause, all water mains and sewer mains shall be located within the street right-of-way, but not under the pavement located thereon. Further, all manholes shall not be placed in the proposed driveways of residential subdivisions.

Section 4.17 Design Standards; Sidewalks

All sidewalks within a subdivision shall have a minimum pavement width of four feet (4') and shall be located one foot (1') into the street right-of-way adjacent to the residential lot line.

Section 4.18 Design Standards; Blocks

In determining the lengths, widths and shapes of blocks, consideration shall be given to the provision of adequate access and circulation, the suitability of building sites to the needs of the use contemplated, and the zoning requirements regarding minimum lot sizes, widths and frontages of the anticipated zoning district. Except in unusual circumstances approved by the Village, block lengths shall not exceed six hundred feet (600'). Pedestrian easements ten feet (10') wide shall be provided through or near the center of blocks more than six-hundred feet (600') feet long in order to provide for adequate pedestrian circulation.

Section 4.19 Design Standards; Lots

The size, width, depth, shape and orientation of lots shall conform to the regulations of the applicable zoning district for the type of development and use contemplated. All lots shall be developed such that surface drainage is diverted to lot lines and not across adjacent properties. Corner lots for residential uses shall be designed with adequate width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access from a public street or an approved private street. Side lot lines shall be designed as close as possible to be perpendicular to street right-of-way lines or radial to cul-de-sac center points.

Section 4.20 Design Standards; Through Lots

Through lots shall be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten feet (10') in width shall be provided along the property line of

such lots abutting such arterial street. Within this easement, the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 4.21 Design Standards; Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen feet (16') in width. When located on a lot line, said easement shall be centered so that there is eight feet (8') of easement on each side of lot line. In those zoning districts that require five feet (5') side yard setbacks, the required easement shall be at least ten feet (10') in width, centered upon the lot line so that there is five feet (5') of easement on each side of the side property line.

Where a subdivision is traversed by a water course, there shall be provided a storm water drainage easement substantially following the width of such water course. The width of the easement shall be adequate for maintenance purposes, and shall be determined by the Village Engineer as part of the Preliminary Plat.

Section 4.22 Design Standards: Storm Sewer System

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall not exceed pre-development runoff by more than five percent (5%), based upon a 10-year storm event. Pre-development shall be the condition prior to improvements being completed. In determining the size or type of the storm sewer system to be used, the design shall be sufficient to handle all computed runoff from the proposed development. For large drainage areas, natural drainage ways shall be maintained, and the Village may require cross drainage structures such as culverts, bridges, etc.

Section 4.23 Design Standards: Flood Hazards

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

Section 4.24 Design Standards; Conformance with Other Regulations

No Final Plat of land within the Village or its jurisdictional area shall be approved unless it conforms with existing zoning regulations. Whenever there is a conflict between the standards set forth in these regulations and those contained in other regulations the highest standard shall govern.

Section 4.25 Schedule A: Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width (ft.) (5)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.)
Major Arterial (1)	100'	36'	4	10	510
Other Arterial (2)	80'	36'	2	10	380
Collector (3)	66'	33'	2	10	200
Local (4)	65'	27'	2	10	100
Frontage	50'	25'	2	8	100
Cul-de-sac or Turnaround	60' (6)	50' (6)	2	10	200

- (1) Major Arterial streets shall generally consist of extensions of the rural major arterials which provide continuous service through municipalities for long-distance rural travel. They are the arterial streets used to transport products into and out of municipalities.
- (2) Other Arterial streets shall consist of two categories: Municipal Extensions of Rural Other Arterials, and Arterial Movements Peculiar to a Municipality's Own Complex, that is streets which interconnect major areas of activity within a municipality, such as shopping centers, the central business district, manufacturing centers, and industrial parks.
- (3) Collector streets shall consist of a group of streets which collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems.
- (4) Local streets shall consist of the balance of streets in each municipality, principally residential access service streets and local business streets. They are characterized by very short trip lengths, mostly limited to vehicles desiring to go to or from an adjacent property.
- (5) Pavement width measured from back of curb to back of curb.
- (6) Minimum right-of-way radius for the cul-de-sac turnaround shall be sixty feet (60'), the minimum pavement radius for the cul-de-sac turnaround shall be fifty feet (50').

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; General

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. The Planning Commission and Village Board upon recommendation of the Village Engineer shall approve all such plans.

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

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 5.02 Required Improvements; Monuments and Markers

5.02.01 Monuments and markers placement shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

5.02.02 Monument Construction. Monument construction shall meet or exceed the "Minimum Standards for Surveys," as the same may be amended from time to time, as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

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

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

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

Section 5.03 Required Improvements; Street Grading, Construction and Surface Type

5.03.01 All streets shall be graded to a minimum distance fifteen feet (15') from the back of the curb or edge of pavement and to within six inches (6") of the street grade established in the approved Final Plat construction plans and specifications.

Design standards for the excavation and preparation of the road bed shall be approved by the Village Engineer. Where unusual soil conditions, extra-ordinary traffic volumes, or other abnormal characteristics exist, the Village Engineer may approve alternate design standards to address such condition, if possible.

5.03.02 Concrete curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the Planning Commission and Village Board in accordance with the terms of this Ordinance.

5.03.03 All streets shall be hard surfaced in a manner prescribed by the Village Board.

- 5.03.04 All materials used shall conform to Nebraska State Standard Specifications for Highway Construction, Division 1000, Material Details. Curing shall be accomplished with a continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Nebraska State Standard Specifications.

Section 5.04 Required Improvements; Street Signs, Lighting and Electrical Power

- 5.04.01 At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches (6") from said sidewalk or its intended location.
- 5.04.02 The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District and/or the Village Engineer.
- 5.04.03 New subdivision lighting and electrical power shall be installed underground. The location of easements for such wiring shall be indicated on the Preliminary and Final Plats. All underground wiring shall conform to installation specifications required by the Nebraska State Electrical Code.

Section 5.05 Required Improvements; Landscape Screens

Landscape screens as required by the Village shall be installed at the subdivider's expense as a buffer for the protection of residential properties along arterial and collector streets, state and federal highways, county roads, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision.

Section 5.06 Required Improvements; Drainage

- 5.06.01 A drainage management system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water within the subdivision.
1. Preliminary Plat Report shall include:
 - a). Preliminary estimates of the quantity of storm water entering the subdivision both naturally and once there has been full development of lots within the subdivision.
 - b). An analysis of existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, and obstructions to water flow.
 - c). A preliminary grading plan illustrating the proposed drainage management system.
 2. Final Plat Drainage Report shall contain:
 - a). Calculations of the quantity of storm water entering the subdivision naturally and estimates of the quantity of storm water entering the subdivision once there has been full development of the lots within the subdivision based on the proposed zoning.
 - b). Quantities of flow at each pick-up point.
 - c). Estimates and type of temporary erosion control measures necessary to control erosion during construction.
 - d). A description of an adequate drainage management system within the subdivision and its design capacities based on a ten (10) year storm.
 - e). An evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.
- 5.06.02 Drainage Requirements. The drainage management system designed by the subdivider shall include culverts and storm sewers whenever necessary or required by the Village Engineer. Where storm sewers are not required, all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the Village Engineer.
- 5.06.03 Drainage System Standards.

1. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or open ditches.
2. Curb drainage inlets shall be provided at appropriate intervals along streets having curbs and gutters. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.
3. Where storm water flows across the intersections of streets having curbs and gutters, concrete cross gutters shall be installed at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the Preliminary and Final Plats. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

5.06.04 Storm Drain Responsibility. The Village of Wauneta will review all storm drain design criteria. In addition, the Village of Wauneta may participate in the costs associated with providing adequate storm drainage.

ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 6.01 Dedication

As a condition of Final Plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and Village Board. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

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

Section 6.02 Reservation and Dedication of Public Land and Open Space

Before Preliminary or Final Plat approval is given, the Planning Commission and Village Board may require the subdivider to reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the Planning Commission and Village Board. Reservation of land for public acquisition and/or use shall be for a period not to exceed two (2) years from the date the plat is officially recorded unless otherwise provided for in these regulations. If such reserved site is not acquired by the Village or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site. Reservation of land for public use will not exceed seven percent (7%) of the tract being subdivided.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the Planning Commission and Village Board may require the immediate acquisition, reservation or accept the dedication of such area.

ARTICLE 7: WAIVERS AND ANNEXATIONS

Section 7.01 Granting of Waivers (Exceptions) and Conditions

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the Village Board may grant waivers from the provisions of these regulations, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 7.02 Subdivision; Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits of Wauneta may be included within the same and become a part of the Village of Wauneta upon approval of and acceptance by Ordinance. Such annexation shall only occur after the Village Board has voted to approve said inclusion by a separate vote from that approving the Final Plat. Further, such annexation shall occur prior to approval of the Final Plat for the subdivision.

When the intent of the Planning Commission and Village Board is to annex said subdivision or addition upon approval of the Final Plat; the following procedures shall be taken:

1. Notice of the time and place of separate public hearings for the Planning Commission to recommend and the Village Board to approve the annexation shall be provided pursuant to Neb. Rev. Stat. §19-904 (R.R.S.1997).
2. The Public Hearings listed above shall be held separate from the public hearings held to recommend and approve the Final Plat of the subdivisions or additions.

Section 7.03 Amendments

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

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

Section 8.01 General

- 8.01.01 It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and Village Board any violation or lack of compliance herewith.
- 8.01.02 No owner, or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a Final Plat of such subdivision has been approved by the Planning Commission and Village Board in accordance with the provisions of these regulations, and filed for record with Chase County Register of Deeds.
- 8.01.03 The subdivision or replat of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.
- 8.01.04 No zoning permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 8.02 Fees for Parks and Open Spaces

To aid the acquisition of parks and open spaces as needed or as indicated in the Comprehensive Development Plan, each residential subdivider shall deposit with the Village Clerk, a sum set by the Village Board, based on the total number of lots in the Final Plat. Where the subdivider dedicated land for a proposed park, playground, school or other public use, other than streets and alleys, and as provided the fees are waived equal to no more than fair market value as determined by the County Assessor, of the property dedicated. Any fees received shall be reserved and used for public park land acquisition.

Section 8.03 Amendments

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the Village Board according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the Village Board.

Section 8.04 Violation and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor. Such conviction shall carry a fine of up to one hundred dollars (\$100) plus the cost of prosecution for each violation. The non-payment of such fine and costs shall subject the guilty party to imprisonment in the county jail for a period of time not to exceed the lesser of 1) thirty (30) days, or 2) the time necessary to pay such fine and costs in full. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 9: CERTIFICATION AND DEDICATION STATEMENTS

Section 9.01 Notary Public Acknowledgment

STATE OF NEBRASKA)
) ss
COUNTY OF CHASE)

The forgoing instrument was acknowledged before me this ____ day, of _____ 20____, by _____, who personally appeared before me and whose name is affixed to this plat and who acknowledge the execution thereof to be his/her voluntary act and deed.

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

Notary Public (SEAL)

My Commission Expires: _____

Section 9.02 Surveyor's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat correctly represents a survey conducted by me or under my direct supervision on the ____ day of _____, 20____, that any changes from the description appearing in the last record transfer of the land contained in the Final Plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

Surveyor, RLS # Date

(SEAL)

Section 9.03 Approval of Wauneta Planning and Zoning Board

APPROVAL OF THE PLANNING AND ZONING BOARD OF WAUNETA, NEBRASKA

This plat of _____
was approved by the Wauneta Planning and Zoning Board on this ____ day of _____, 20____.

Chairperson, Wauneta Planning and Board

Section 9.04 Acceptance by Wauneta Village Board

ACCEPTANCE BY THE VILLAGE BOARD OF WAUNETA, NEBRASKA

This plat of _____
was approved by the Village Board of the Village of Wauneta, Nebraska on this ____ day of _____,
20____, in accordance with the State Statutes of Nebraska.

(Village of Wauneta SEAL)
Village Chair

ATTEST:

Village Clerk

Section 9.05 Acceptance by Chase County Register of Deeds

ACCEPTANCE BY CHASE COUNTY REGISTER OF DEEDS

This plat of _____
was recorded on this ____ day of _____, 20____, at book # _____, page # _____.

Chase County Register of Deeds (SEAL)

Section 9.06 Review of Chase County Surveyor

REVIEW OF CHASE COUNTY SURVEYOR

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

Chase County Surveyor (SEAL)

Section 9.07 Chase County Treasurer's Certifications

CHASE COUNTY TREASURER'S CERTIFICATIONS

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

Chase County Treasurer Date

(SEAL)

Section 9.08 Administrative Plat Approval

APPROVAL OF ADMINISTRATIVE PLAT

This Administrative Plat was approved by the Village of Wauneta on this ____ day of _____, 20____.

Village Clerk

Chair, Village Board

Zoning Administrator

(Village of Wauneta SEAL)

Section 9.09 Owners Certification

OWNERS CERTIFICATION

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

This subdivision shall be known and designated as

_____, an addition to the Village of Wauneta, Nebraska (delete previous phrase if the subdivision is located outside of the corporate limits and will not be annexed to the Village). All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

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

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

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

Signature of Owner

Signature of Owner

printed name

printed name

date

date