

## **CHAPTER 10 – MUNICIPAL PLANNING**

### **ARTICLE 1 – SUBDIVISION REGULATIONS; GENERAL**

- SECTION 10-101: PURPOSE**
- SECTION 10-102: APPLICATION**
- SECTION 10-103: COMPLIANCE**
- SECTION 10-104: DEFINITIONS**

### **ARTICLE 2 – SUBDIVISION REGULATIONS; APPROVAL**

- SECTION 10-201: PRELIMINARY PLAT**
- SECTION 10-202: FINAL PLAT**
- SECTION 10-203: SUBMISSION TO SCHOOL BOARD**

### **ARTICLE 3 – SUBDIVISION REGULATIONS; PRELIMINARY PLAT**

- SECTION 10-301: SCALE**
- SECTION 10-302: MINIMUM REQUIREMENTS**

### **ARTICLE 4 – SUBDIVISION REGULATIONS; FINAL PLAT**

- SECTION 10-401: SCALE**
- SECTION 10-402: MINIMUM REQUIREMENTS**

### **ARTICLE 5 – SUBDIVISION REGULATIONS; DESIGN STANDARDS**

- SECTION 10-501: GENERAL**
- SECTION 10-502: STREETS AND ALLEYS**
- SECTION 10-503: BLOCKS**
- SECTION 10-504: LOTS**
- SECTION 10-505: EASEMENTS**
- SECTION 10-506: ACRE SUBDIVISION**
- SECTION 10-507: PUBLIC SITES; OPEN SPACES**

### **ARTICLE 6 – SUBDIVISION REGULATIONS; IMPROVEMENTS**

- SECTION 10-601: SUBDIVIDER REQUIREMENTS**
- SECTION 10-602: MONUMENTS**
- SECTION 10-603: STREET GRADING**
- SECTION 10-604: STREET SURFACING**
- SECTION 10-605: SANITARY SEWER**
- SECTION 10-606: STORM SEWERS**
- SECTION 10-607: WATER LINES**
- SECTION 10-608: SIDEWALKS**
- SECTION 10-609: OTHER IMPROVEMENTS**

**ARTICLE 7 – SUBDIVISION REGULATIONS; VARIANCES**

**SECTION 10-701: HARDSHIPS**

**SECTION 10-702: CONDITIONS**

**ARTICLE 8 – SUBDIVISION REGULATIONS; FEES**

**SECTION 10-801: PRELIMINARY PLAT**

**SECTION 10-802: FINAL PLAT**

**ARTICLE 9 – AMENDMENTS**

**SECTION 10-901: PUBLIC HEARING; RECOMMENDATION**

**ARTICLE 10 – PENAL PROVISION**

**SECTION 10-1001: VIOLATION; PENALTY**

## **CHAPTER 10 – MUNICIPAL PLANNING**

### **Article 1 – Subdivision Regulations; General**

#### **SECTION 10-101: PURPOSE**

It is the purpose of this article to provide for the orderly development of Beaver Crossing so as to obtain functional street layouts; provide adequate sized lots which are in conformity with the highest and best use of the land; provide for adequate open spaces for traffic, schools, recreation and air; ensure the installation of adequate sized utilities and adequately improved streets; and provide for other features of the comprehensive plan, all to the end that the development of land may proceed in an orderly manner and that good, livable neighborhoods with all of the needed community facilities may be created and excessive village maintenance expense may be avoided.

#### **SECTION 10-102: APPLICATION**

Every owner of any lot, tract, or parcel of land within the village who may hereafter subdivide the same into two or more lots, sites, or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel of land created is more than 5 acres in area, shall submit a subdivision plat to the Village Board in accordance with this article and comply with all other provisions herein.

#### **SECTION 10-103: COMPLIANCE**

No officer, employee or agent of the village shall issue any building permit, make any water or sewer connection, or issue any permit for any water or sewer connection for any building constructed or proposed to be constructed on land divided contrary to the provisions herein. No officer, employee or agent of the village shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat unless such plat shall have been approved as provided by this article. The above prohibitions shall not apply to any plat of dedication legally filed of record before the enactment of this article by the village.

#### **SECTION 10-104: DEFINITIONS**

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

“Alley” shall mean a public right-of-way which is used primarily for a vehicular access to the back or the side of any property otherwise abutting on a street.

“Block” shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

“Cul-de-sac” shall mean a street having one end connecting with a public street and being terminated at its other end by a vehicular turnaround.

“Comprehensive plan” shall mean a general plan for the improvement of the village, as adopted by the Village Board and village Planning Commission.

“Easement” shall mean a right to use a parcel of land granted to the general public, utility, or corporation by the property owner.

“Frontage street” shall mean a minor street parallel to and adjacent to major streets or highways and which provides access to the abutting properties and protection from through traffic.

“Lot” shall mean a portion of a subdivision or other parcel of platted land intended as a unit for transfer of ownership or for development.

“Lot of record” shall mean a tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the register of deeds of Seward County, Nebraska.

“Major street” shall mean a street designated as a major street in the comprehensive plan for the village.

“Minor street” shall mean a street not designated as a major street in the comprehensive plan for the village and which is used primarily for access to the abutting properties.

“Planning Commission” shall mean the Planning Commission of the village.

“Plat” shall mean a map, drawing or chart on which the subdivider's plan of the subdivision is presented to the Planning Commission and Village Board for approval and which will be recorded in final form.

“Street” shall mean any thoroughfare or public way which has been dedicated to the public or deeded to the village for street or road purposes and which shall not be less than 40 feet in width.

“Subdivider” shall mean a natural person, firm, co-partnership, association, or corporation who submits a proposed subdivision to the Village Board.

“Subdivisions” shall mean the division of a lot, tract or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel of land created is more than 5 acres in area.

“Village” shall mean the Village of Beaver Crossing, Nebraska.

“Village Board” shall mean the Village Board of Beaver Crossing, Nebraska.

“Watercourse,” “drainage way,” “channel,” or “stream” shall mean a natural or man-made depression in which a current of surface run-off water flows following precipitation.



## **Article 2 – Subdivision Regulations; Approval**

### **SECTION 10-201: PRELIMINARY PLAT**

In obtaining approval of a proposed subdivision, the subdivider shall submit a preliminary plat showing and including data specified in Article 3 (Preliminary Plat Requirements) and in accordance with the following procedure.

A. The subdivider shall cause to be prepared a preliminary plat and file with the Village Board eight copies of the preliminary plat and written application for conditional approval.

B. The Village Board shall refer the proposed preliminary plat to the Planning Commission for its consideration. The preliminary plat shall be referred to the Planning Commission ten days prior to the meeting at which it is to be considered.

C. The Planning Commission shall transmit copies of the preliminary plat to utility companies and village departments.

D. Following (1) a public hearing of which notice is given in a newspaper of general circulation in Beaver Crossing; (2) review of the preliminary plat and other material submitted for conformity thereof to these regulations; (3) review of any recommendations of the utility companies and village departments; and (4) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the Planning Commission shall within 30 days act on the plat as submitted or modified. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

E. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the construction plans and ultimately the final plat.

F. Upon conditional approval by the Planning Commission of the preliminary plat, the subdivider shall proceed with preparation of the detailed construction plans for the improvements required in Article 6 (Improvements).

G. Following the receipt and a review of the construction plans, the Planning Commission shall within 30 days transmit to the Village Board the preliminary plat and detailed construction plans for its consideration, together with its recommendation. In case of modification or disapproval, the Planning Commission shall give its reasons.

H. The Village Board shall then consider and take action upon the preliminary plat by approving as recommended, modifying, or disapproving same.

I. Upon the approval of the preliminary plat and detailed construction plans, the subdivider shall either:

1. Install the improvements required in Article 6 herein and in accordance with the approved construction plans and village specifications, or
2. Enter into a contract with the village for the actual installation and construction of such improvements, to be secured by a performance bond in an amount equal to 100% of the cost of said improvements. The performance bond shall be released upon installation of the required improvements as approved by the Village Board. If the improvements are not completed within one year or are not constructed or installed to the satisfaction of the board, the performance bond shall be forfeited and used by the board to complete the installation of the improvements.

#### **SECTION 10-202: FINAL PLAT**

In obtaining approval of a proposed subdivision, the subdivider shall submit a final plat showing and including data specified in Article 4 (Final Plat Requirements) in accordance with the following procedure.

A. Upon the construction and installation and acceptance by the Village Board of the required improvements, or acceptance by the village of a performance bond, the subdivider shall cause to be prepared a final plat and file eight copies of the final plat and a written application for approval to the Village Board, which shall refer it to the Planning Commission at least ten days prior to the meeting at which it is to be considered. The final plat shall conform substantially to the preliminary plat as approved and if desired by the subdivider, it may constitute only that portion of the preliminary plat which he or she proposes to record and develop at the time, provided that such portion conforms to all requirements herein.

B. The final plat shall be submitted within 12 months after approval of the preliminary plat, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

C. Following a review of the final plat, the Planning Commission shall within 30 days transmit the final plat to the Village Board for its consideration, together with its recommendation.

D. The Village Board shall then consider and take action upon the final plat.

#### **SECTION 10-203: SUBMISSION TO SCHOOL BOARD**

Prior to any approval of the preliminary or final plat, a copy of the plat shall be submitted to the School Board of each district in which the plat is located for its recommendation. This recommendation shall be advisory, and failure by the School Board to make a written recommendation within 30 days shall be construed as approval of the plat.



## **Article 3 – Subdivision Regulations; Preliminary Plat**

### **SECTION 10-301: SCALE**

The preliminary plat shall be drawn to a scale of 1 inch = 100 feet or larger and shall be plainly marked "Preliminary Plat".

### **SECTION 10-302: MINIMUM REQUIREMENTS**

The preliminary plat shall include and show the following information:

- A. Legal description, acreage and name of proposed subdivision.
- B. Location of boundary lines in relation to section or quarter section lines.
- C. Names and addresses of the owner, developer and engineer, surveyor or land planner preparing the plat.
- D. North point (which shall be directed to the top or right side of the plat), scale and date.
- E. Location, width, and name of each existing or platted street within the proposed subdivision and within 200 feet thereof, location and width of other public ways, railroads, utility right-of-way or easements, parks and other public open spaces within the proposed subdivision.
- F. All existing sewers, water mains, culverts and other underground installations within the proposed subdivision or immediately adjacent thereto and the location of the nearest available such facilities.
- G. Existing and proposed contours at 5-foot intervals adequate to portray existing and proposed conditions, referred to county datum, and also the locations of water-courses, bridges, wooded areas and such other topographic features as may be pertinent to the subdivision.
- H. Existing and proposed zoning of proposed subdivisions and existing zoning of adjacent tracts.
- I. A small scale key or vicinity map adequately showing the location of the tract.
- J. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
- K. The general location and character of proposed surface storm drainage and sanitary sewer facilities.

L. Layout, numbers and approximate dimensions of lots and the number of each block.

M. Location and size of any proposed school sites, parks, playgrounds, churches or other public lands in accordance with the comprehensive plan to be considered for sale or dedication to public use.

N. Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect proposed development.

## **Article 4 – Subdivision Regulations; Final Plat**

### **SECTION 10-401: SCALE**

The final plat shall be drawn to a scale of 1 inch = 100 feet or larger in ink on tracing cloth. The original tracing cloth shall bear the original signature on the required certificates.

### **SECTION 10-402: MINIMUM REQUIREMENTS**

The final plat shall include and show the following information:

- A. Name of subdivision, scale, north arrow and date.
- B. Primary control points and descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- C. Tract boundary lines, right-of-way lines of streets, easements, and other rights of way and property lines of residential lots and other sites with dimensions, bearings, or deflection angles and radii, arcs, and central angles of all curves.
- D. Name and right-of-way width of each street or other right-of-way.
- E. Location, dimensions, and purpose of any easements.
- F. Number to identify each lot or site.
- G. Minimum building setback line on all lots if different than required by the zoning ordinance.
- H. Location and description of monuments.
- I. Certification by a registered land surveyor.
- J. Certificates required by Nebraska statutes.
- K. Certificates for approval of the Planning Commission and Village Board.



## **Article 5 – Subdivision Regulations; Design Standards**

### **SECTION 10-501: GENERAL**

Land within the proposed subdivision which the Village Board finds to be unsuitable for subdividing due to flooding, bad drainage, or other topographical features likely to be harmful to the safety, welfare, or general health of the future residents of the proposed subdivision shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such hazards are provided.

### **SECTION 10-502: STREETS AND ALLEYS**

A. The arrangement of major streets shall conform as nearly as possible to the comprehensive plan, with provisions for the extension of major and collector streets. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provision shall be made for future connections to adjoining unsubdivided tracts.

B. Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs are permitted where topography or other conditions justify their use. Every cul-de-sac shall normally not be longer than 600 feet and shall terminate with a turnaround having a diameter of not less than 80 feet.

C. Where a proposed subdivision is adjacent to or contains an existing or proposed major or controlled access thoroughfare, provision shall be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way or lots shall back up to the major street and have access only to the minor street.

D. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements herein or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.

E. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles except where topography or other conditions justify variations. More than four approaches to any intersection shall be prohibited.

F. Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.

G. The right-of-way widths, pavement widths (face-to-face of curb) and grades for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions or more than the maximum grades for each classification, as follows:

Type	R. O. W.	Pavement	% Grade
Major streets	80 feet	48 feet **	6
Marginal access streets	30 feet	22 feet	8
Collector streets	60 feet *	36 feet **	10
Minor streets	50 feet	26 feet	10 (average)
Alleys	20 feet	12 feet, or 20 feet com.	No max.
Cul-de-sac streets	40 feet	24 feet	10 (average)

\*Streets in these classifications shall be designed and graded to the full right-of-way widths stated.

\*\*The developer shall not be responsible for providing pavement wider than 26 feet.

H. No street grade shall be less than 0.5%.

I. The horizontal alignment on all streets except in unusual cases shall be as follows:

Street Type	Radii of Horizontal Curves (Minimum)
Major	700 feet
Collector	300 feet
Minor	100 feet

## SECTION 10-503: BLOCKS

Except in unusual circumstances, the feet length of a block shall be 1,320 feet.

## SECTION 10-504: LOTS

A. Lot dimensions and lot area shall conform to the requirements of the zoning ordinance. The minimum average width of residential lots in the plat shall not be less than 60 feet for rectangular lots and not less than 60 feet at the required front building line for lots whose side lines are radial to a curved street. The minimum depth shall be 100 feet but in no case shall the minimum lot area be less than 6,000 square feet.

B. Corner lots for residential use shall have additional width to permit building setbacks as required by the zoning ordinance.

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

D. The subdividing of the land shall be such as to provide each lot, by means of a public street, with satisfactory access to an existing public street.

E. Double frontage lots shall be avoided except where they back upon a major street or controlled access highway.

F. Setback or building lines may be shown on all lots but shall not be less than the setback required by the zoning ordinance.

## **SECTION 10-505: EASEMENTS**

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide.

B. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

## **SECTION 10-506: ACRE SUBDIVISION**

Where the area is divided into lots larger than ordinarily used in the area for building purposes and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such streets may, at the discretion of the Village Board, be made a condition of the approval of the plat.

## **SECTION 10-507: PUBLIC SITES; OPEN SPACES**

Where a proposed park, playground, school or other public use shown on the comprehensive plan for the village is located in whole or in part in a subdivision, the Planning Commission shall deem whether such requirements are reasonable.





## **Article 6 – Subdivision Regulations; Improvements**

### **SECTION 10-601: SUBDIVIDER REQUIREMENTS**

The subdivider shall construct and install the improvements described in this section in accordance with plans, specifications, and data approved by the Village Board and to its satisfaction.

### **SECTION 10-602: MONUMENTS**

The following-described monuments shall be installed before the Village Board shall approve the plat or, in lieu thereof, a performance bond in an amount equal to the cost of doing such work shall be furnished to the Village Board.

A. The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than 2 inches in diameter and extending at least 30 inches below grade.

B. Lot corners, all points of curvature, points of tangency and other points not required to be marked by 7.101 shall be monumented by iron rods or pipes not less than 1 inch in diameter and extending at least 24 inches below grade.

### **SECTION 10-603: STREET GRADING**

All full width streets located entirely within the boundary of the subdivision, except major and collector streets as noted in Section 10-602(G) (Streets and Alleys) hereof, shall be graded to a minimum width of 9 feet back of both curb lines to within 6 inches of the grade established by the Village Board. Such grading shall be completed or, in lieu thereof, a performance bond in an amount equal to the cost of doing such work shall be furnished to the board.

### **SECTION 10-604: STREET SURFACING**

All streets shall be paved with concrete or equivalent as approved by the Village Board.

### **SECTION 10-605: SANITARY SEWER**

Where a sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provisions for the disposal of sewage as required by law. Where a sanitary sewer accessible by gravity connection is not within 500 feet of the final plat but where plans for the installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

**SECTION 10-606: STORM SEWERS**

The developer shall at his or her option provide either storm sewers or drainage ways within the subdivision subject to approval by the Village Board as to adequacy.

**SECTION 10-607: WATER LINES**

The subdivision shall be provided with an adequate water main supply system which shall be connected to an approved water supply system. The location of fire hydrants shall be shown on the water utility plan.

**SECTION 10-608: SIDEWALKS**

Sidewalks 4 feet wide shall be constructed in accordance with sidewalk standards and regulations approved by the Village Board in front of all lots in the plat in accordance with Section 10-609 or, in lieu thereof, the developer may provide in recorded covenants that such sidewalks shall be constructed by the owner of each lot prior to the time of completion of the main structure on said lot.

**SECTION 10-609: OTHER IMPROVEMENTS**

A. The Village Board, upon recommendation of the Planning Commission, may require the installation of street lights, street signs, and street trees.

B. The developer may select any method or combination of methods listed below to comply with the street surfacing, sanitary sewer, storm drainage, and sidewalk requirements.

1. He or she may install the required improvement before Village Board approval.
2. He or she may post a performance bond or certified check in the amount of 100% of the cost of the required improvements, as estimated by the Village Board, guaranteeing the installation of the improvements within three years after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements and approval thereof by the Village Board. Further, such period may be extended by the board upon a showing by the developer that lot sales and development do not warrant such installation. If the improvements are not completed within the specified or extended period of time, the performance bond shall be forfeited and used by the village to complete the installation of the improvements.

C. If the developer does not comply with subsection (B)(1) or (2) herein, he or she shall select any method or combination of methods listed below to comply with the street surfacing, sanitary sewer, storm drainage, and sidewalk requirements. The developer may execute a written agreement with the village, providing that:

1. He or she will install all required improvements to serve all sold and closed lots in the subdivision not later than 12 months following the date when 50% of the lots in the subdivision have been sold and closed; provided, he or she will in all events install all required improvements to serve all sold and closed lots on the subdivision not later than three years after recording of the plat even though 50% of the lots in the subdivision may not have yet been sold.
2. He or she will make the above covenant a minimum provision in each contract of sale with the lot purchasers and such contracts shall be enforceable by the village and by all lot purchasers; provided, the building inspector shall issue no permits for construction of buildings or structures on any lot in said subdivision until said written agreement with the village is executed. It is further provided that the Village Board shall have the right to limit the size of the area of the final plat if the area of the tentative plat is more than 10 acres.

D. After the Village Board has approved the final plat for a portion of the area comprised in the tentative plat, the developer may submit the next portion for final platting only if the required improvements have been contracted for as above provided in the portion comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.



## **Article 7 – Subdivision Regulations; Variances**

### **SECTION 10-701: HARSHIPS**

Whenever the tract of land proposed to be subdivided is (A) less than 3 acres and does not involve any dedication for street purposes; (B) is of unusual shape or topography; or (C) is affected by surrounding developments or unusual conditions such that the strict application of the requirements contained herein would result in substantial hardships or inequities, the Village Board, upon recommendation of the Planning Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner but so that, at the same time, the public welfare and interest of the village and surrounding area are protected and the general intent and spirit of this chapter is preserved.

### **SECTION 10-702: CONDITIONS**

In granting variances, the Village Board, upon recommendation of the Planning Commission, may require such conditions as will secure substantially the objectives of the standards or requirements so varied.



## **Article 8 – Subdivision Regulations; Fees**

### **SECTION 10-801: PRELIMINARY PLAT**

Before a preliminary plat may be considered by the Planning Commission, the subdivider shall deposit with the village treasurer a fee as set by resolution of the Village Board and placed on file in the village office.

### **SECTION 10-802: FINAL PLAT**

There shall be a filing fee as set by resolution of the Village Board and placed on file in the village office.





## **Article 9 – Amendments**

### **SECTION 10-901: PUBLIC HEARING; RECOMMENDATION**

The Village Board may amend this ordinance from time to time; provided, however, such amendments shall not become effective until a public hearing and a recommendation from the Planning Commission is received and a public hearing by the Village Board has been held as required by law.



## **Article 10 – Penal Provision**

### **SECTION 10-1001: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.