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| City of Valley |
| Douglas County, Nebraska |
| Subdivision Regulations |
| Adopted by the City of Valley, Nebraska |
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# TITLE, PURPOSE, AND DEFINITIONS

## Name and Citation of Titles

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

## Purpose

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

## 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 City of Valley, Nebraska.

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

Each gender shall include the other.

## Definitions

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

***AGREEMENT FOR ESCROW OF SECURITY FUNDS*** shall mean an agreement between a subdivider and the City that clearly establishes the subdivider’s responsibility to deposit funds into an escrow account with a bank (as escrow agent for the City) in an amount equal to the estimated costs of design, construction and administration of the City-Owned Public Infrastructure improvements required of the subdivision.

***ALLEY*** shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

***APPLICANT*** shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

***BLOCK*** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, City or County boundaries, or adjoining property lines.

***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 City Council which meets the intent of such security required by this Ordinance.

***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.

***BUILDING PERMIT*** shall mean any permit required by the City and issued by the Building Official, to be obtained by any person engaged in any activity governed by the regulations set forth in this Ordinance.

***BUILDING SETBACK LINE*** shall mean the required zoning distance between a building and the lot line.

***CITY*** mean the City of Valley, Nebraska. Also, “City Council” or “Governing Body.”

***CITY COUNCIL*** shall mean the Valley City Council.

***CITY ENGINEER*** shall mean the City Engineer as hired or appointed by the Mayor and City Council or his/her authorized deputy, agent or representative.

***CITY OWNED PUBLIC INFRASTRUCTURE*** shall mean the City of Valley’s municipal water system, sanitary sewer system, storm sewer system, street system, sidewalk system, and trail sidewalk system.

***CLERK*** shall mean the City Clerk of the City of Valley, Nebraska.

***COMPREHENSIVE DEVELOPMENT PLAN*** shall mean the Comprehensive Development Plan of Valley, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903 (R.R.S.1997).

***CONDITIONAL APPROVAL*** shall mean approval of a preliminary plat of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. A motion approving a preliminary plat of a subdivision shall specify the conditions to be met and the time by which the conditions are to be met.

***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.

***CUL-DE-SAC, TEMPORARY*** shall mean a space on public dedicated right-of-way and/or easement that permits the turning around of any vehicular traffic. Provisions shall be made to allow for future connections to adjacent tracts of land to provide a continuous traffic circulation as determined by the City Engineer.

***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.

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

***DESIGN*** shall mean a function of engineering which shall involve the subdivision and grading of land, the sizing, location, interconnection, and use of public infrastructure, including streets, storm sewers, sanitary sewer systems, water distribution system, etc., which will be used to serve the subdivided parcels of land which will be used for residential, commercial, and industrial purposes. Design shall also involve the preparation of construction plans and specifications for public infrastructure improvements.

***DEVELOPER*** See "Subdivider".

***EASEMENT*** shall mean a grant, made by a property owner, for the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

***EXTRA TERRITORIAL JUSISDICTION*** (ETJ) shall mean the area beyond the corporate limits of the City, in which the State has granted the City the power to exercise zoning jurisdiction and building regulations.

***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.

***FLOOD PLAIN***shall mean any land area susceptible to being inundated by water from any source.

***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.

***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.

***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, pumping stations, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.

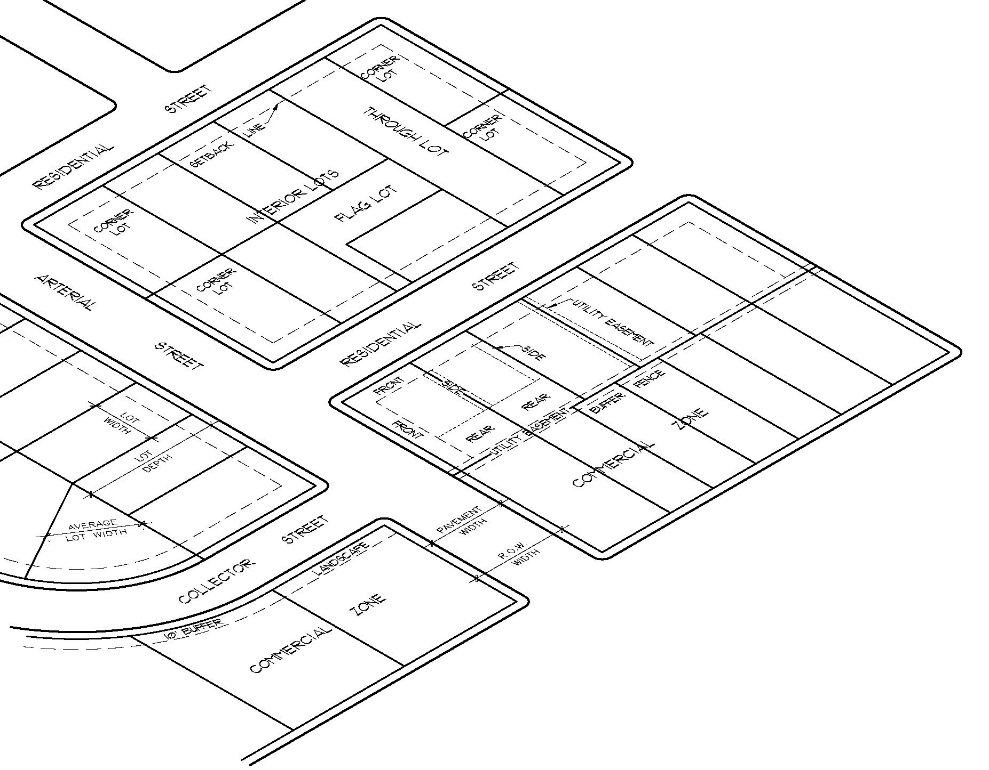
***LOT*** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Douglas County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

***LOT, CORNER*** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

***LOT, DOUBLE FRONTAGE, or THROUGH*** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

***LOT, FLAG*** shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

***LOT, INTERIOR*** shall mean a lot other than a corner lot.



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

***LOT DEPTH*** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

***LOT FRONTAGE*** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

***LOT LINE*** shall mean the property line bounding a lot.

***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.

***LOT, NONCONFORMING***shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Douglas County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.

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

***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.

***LOT OF RECORD*** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

***LOT SPLIT*** shall mean a subdivision of land involving the division of one lot into two lots.

***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.

***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.

***NON-CITY OWNED PUBLIC INFRASTRUCTURE*** shall mean electrical power service, street lighting, natural gas service, telephone service, cable t.v. service, and internet service.

***OPEN SPACE*** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

***OUTLOT.*** A lot remnant or parcel of land left over after platting, or created intentionally, which is intended as open space or other use, for which no building permit shall be issued for any private structure.

***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.

***PLANNING COMMISSION*** shall mean the Planning Commission of Valley, Nebraska.

***PLAT*** shall mean a map showing the location, boundaries, and legal description of individual properties.

***PLAT, ADMINISTRATIVE***. This shall be a method to provide for lot 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.

***PLAT, FINAL*** shall mean the Final Plat of the preliminary plat of any parcel, subdivision or dedication of land prepared for filing or recording in conformance with these regulations. The final plat shall be in substantial conformance to an approved preliminary plat, prepared in accordance with this Ordinance.

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

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

***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 Douglas County.

***PRE-DEVELOPMENT COST AGREEMENT*** shall mean an agreement between a subdivider and the City that clearly establishes the subdivider’s responsibility to pay for the City’s cost of planning for the subdivision, plat review fees, engineering review and design fees for required Public Infrastructure improvements, legal review fees, and other administrative and miscellaneous City costs.

***PRIVATE INFRASTRUCTURE*** shall mean work and infrastructure provided by the subdivider, and approved by the City, including, but not necessarily limited to, private storm drainage, rain gardens, overall lot and site grading, lake dredging, outlot and street landscaping, lake boat docks and fueling stations, and fences.

***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.

***STREET*** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

***STREET, ARTERIAL*** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City or county with controlled access to abutting property.

***STREET, BOULEVARD*** shall mean a street consisting of a long dead end stem and a Terminal Street Roundabout at its end to permit continuous traffic flow. The stem of the boulevard shall be connected to another street.

***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.

***STREET, CUL-DE-SAC*** shall mean a short dead end public street consisting of a long dead end stem and a terminal bulb at its end to permit vehicular turn-around. The stem end of the cul-de-sac shall be connected to another public street.

***STREET, CURVILINEAR*** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

***STREET, LOCAL*** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

***STREET, LOOPED*** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

***STREET, MAJOR*** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

***STREET, PRIVATE*** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

***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. Subdivider is sometimes referred to as “Developer”.

***SUBDIVISION*** 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, of transfer of ownership or building development, whether immediate or future, provided that the smallest lot created by the division is 10 acres or less in size.

***SUBDIVISION MINOR*** shall mean the division of land, lot, and tract or parcel into two or more but not to exceed fifteen (15) lots, parcels, plats or sites or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial and transitional agricultural or other land whether by deed, metes and bounds description, lease map plat or other instrument.

***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. The Subdivision Agreement shall be executed by the subdivider and City after Planning Commission approval of the Final Plan, but before the Final Plat is submitted to the City Council for final approval.

***TERMINAL STREET ROUNDABOUT*** shall mean a public way consisting of a long dead end stem and a vehicular roundabout at its end to permit continuous traffic flow. The stem end of the terminal roundabout street shall be connected to another public street. The roundabout end shall consist of a continuation of the street stem width in a 360 degree pattern to return traffic back to the stem portion of the street, and shall permit two-way traffic in the roundabout.

***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.

***WAIVER*** shall mean permission to depart from the requirements of an ordinance with respect to the submission of required documents.

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

***ZONING ORDINANCE*** shall mean the Zoning Ordinance of the City of Valley, as amended from time to time.

# GENERAL PROVISIONS

## Jurisdiction

The provisions of these regulations shall apply to all land located within the legal boundaries of the City of Valley, as the same may be amended by subsequent annexation, and shall also include all land lying within the Extra Territorial Jurisdiction (i.e. ETJ) of the City, and not located in any other municipality.

## Powers

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

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map, to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (R.R.S.1997) and the provisions of 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 City, or any Village incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval pursuant to Neb. Rev. Stat. §19-916 (R.R.S.1997).

## 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 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.

## 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.

## 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.

## 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.

## Building Permits

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

## 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 time, 10 days prior to such hearing.

## 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 City Council, 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 City. 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.

## Fees

All fees regarding the subdivision procedure shall be set by a separate ordinance or resolution. The developer shall be responsible for all review, engineering design, legal, administrative, and inspection fees regarding a subdivision as described in a Predevelopment Agreement and/or the Subdivision Agreement.

## Capital Facility Charges

All water supply and wastewater capital facility charges for a subdivision shall be paid in accordance with the City of Valley Ordinances.

## Applicable to all Subdivision Requests

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

### Building and Occupancy Permits. No official of the City shall issue either a building permit or occupancy permit on any property which does not comply with the zoning and subdivision regulations of the City of Valley. The issuance of any building 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 City.

### Improvements Warranty and Guarantee. After construction of the subdivider’s private infrastructure improvements, the subdivider shall provide a warranty to the City guaranteeing the performance of all workmanship and materials used for two years from the date of acceptance of each improvement.

### Performance bond. Upon approval of the Final Plat of the subdivision, and prior to filing the subdivision with the Register of Deeds, the subdivider shall surrender to the City possession of a performance bond. Said bond shall be in an amount adequate to cover 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 City Council upon recommendation of the City Engineer. No officer of the City 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 months, which shall be endorsed payable to the City of Valley, Nebraska and which shall be attached to a bond form.

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

#### Prior to the issuance of any building 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 and City, operating and approved as provided in the Subdivision Regulations.

#### Prior to the issuance of an occupancy permit for any structure within the subdivision, all sidewalks, street trees, landscape screens and storm drainage shall be installed and completed by the subdivider, operating and approved as provided in the Subdivision egulations, 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.

### 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.

### Approval Resolution. Passage of the Resolution approving any subdivision request requires a majority of the City Council.

### City Owned Public Infrastructure Design and Construction. All City Owned Public Infrastructure required to service new subdivisions (i.e. water distribution and transmission mains; sanitary sewer collection system, interceptor sewers, pumping stations, force mains; storm sewer systems; street pavements, sidewalks and trail systems) shall be designed, advertised for bids, and publicly let by the City of Valley in accordance with Neb. Rev. Stat. §73. The Subdivider shall be responsible for all costs associated with the City Owned Public Infrastructure improvements as outlined in the Subdivision Agreement.

### Non-City Owned Public Infrastructure Design and Construction. All non-city owned public infrastructure required to service new subdivisions (i.e. electrical power, street lighting, natural gas, telephone, cable t.v., internet, etc.) shall be designed and constructed by each individual public service provider. The subdivider shall be responsible for all costs associated with the non-city owned public infrastructure as outlined in the Subdivision Agreement.

# PROCEDURES

## Procedure for Filing Pre-application Plans and Data

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

#### The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.

#### 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.

### The subdivider shall meet with City Staff to discuss the sketch plat of the proposed subdivision of land. The meeting shall address schedules and the need for public infrastructure improvements to serve the proposed subdivision, including a discussion of costs, coordination with the City on the design, construction, and scheduling of City Owned Public Infrastructure improvements, a discussion on the administrative requirements of subdivision agreements, predevelopment cost agreements, and agreements for escrow of security funds.

### Submittal of the pre-application plans and data shall not require a formal application fee. After meeting with City Staff to discuss the proposed subdivision, the City will review the data and in turn shall inform the subdivider whether such plans and data submitted and discussed 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 with the Planning Board when the appropriate application is accepted by the City.

## 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 City of Valley or which is within the Extra Territorial Jurisdiction (ETJ) of the City of Valley or which is proposed to be annexed, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the City. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the City of Valley 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 City of Valley 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.

The Subdivider or subdivider’s representative shall meet with the City of Valley and the City Engineer to coordinate the need for public infrastructure to service the proposed subdivision. The Subdivider shall provide the proposed schedule for the platting process, overlot grading and all other pertinent information to the City Engineer for the preparation of all City Owned Public Infrastructure plans and specifications.

A total of 6 paper copies and an electronic PDF file of the Preliminary Plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted to the City at least 30 days prior to the meeting at which it is to be considered. The Zoning Administrator shall distribute one copy of the Preliminary Plat with a request for comments to each of the following: City Engineer, School Board, Fire District, Law Enforcement, Douglas County if the subdivision is located outside the corporate limits, and to whomever else deemed necessary by the City.

The Planning Commission shall consider the Preliminary Plat at a public hearing, after proper notice, and shall (1) review the Preliminary Plat and other material submitted for conformity to these regulations and (2) review any recommendations of the City Engineer, School Board, Fire Department, Police Department, Douglas 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 City Council, (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 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 City Council along with proper notice thereof. The notice shall be published at least 10 days prior to the hearing in a paper of general circulation in the City of Valley. The City Council 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 the City’s ETJ shall be the same, except that one copy of the Preliminary Plat shall be referred to Douglas County Engineer’s Office with a request for their recommendations to be submitted to the Planning Commission.

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 12 months from the date of such approval.

## Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of one inch to 100 feet; shall be plainly marked “Preliminary Plat” and shall include, show, or be accompanied by the following information:

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

#### Both existing and proposed contours shall be shown.

#### Phasing lines shall be delineated on the plat and a phasing schedule shall be provided, if the proposed subdivision is to be developed in phases.

#### The proposed name of the subdivision which must not be as similar to an existing subdivision as to cause confusion. The Developer shall verify the name with Douglas County.

#### The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect (licensed to practice in Nebraska) responsible for the Preliminary Plat.

#### 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. All work shall be completed and certified by a Registered Land Surveyor in the State of Nebraska.

#### The width and location of platted streets and alleys within or adjacent to the property.

#### 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 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.

#### The proposed lot layout, lot and block numbers, and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.

#### 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 with coordination with the City Engineer.

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

#### Easements for public utility and rights-of-way purposes.

#### The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.

#### A draft erosion control plan. Grading activities shall not proceed until said plan has been approved by the State of Nebraska and the Papio-Missouri River Natural Resources District and a copy of said approvals have been submitted to the City.

#### The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for subdivision.

#### Names of adjacent subdivisions together with arrangement of streets and lots.

#### One draft copy of the Pre-Development Cost Agreement, Agreement For Escrow of Security Funds, and Subdivision Agreement including any requests for waivers from the requirements of this Ordinance.

#### The subdivider or subdivider’s representative shall be in attendance at the Planning Commission meeting when Preliminary Plat is discussed.

#### Two copies of the following, prepared by a registered professional engineer, shall be delivered to the City Engineer for review:

##### An overlot grading plan

##### A dredging plan, if required

##### A drainage plan, pursuant to Section 6.06.

##### A traffic impact analysis , if required by the City Engineer.

##### A Stormwater Pollution Prevention Plan (SWPPP)

#### Two copies of the following, coordinated with the subdivider, and prepared by the City Engineer, delivered to the Planning Commission:

##### Public Works plan including sanitary sewer, storm sewer, water distribution and street pavement.

##### A street profile(s) with a statement of proposed street improvements.

#### All signature blocks required for Preliminary Plan submission and approval.

## 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 City for approval by the Planning Commission at least 30 days prior to the meeting at which it is to be considered. Four Mylar copies and an electronic PDF file of the final plat shall be prepared as specified in these regulations.

The Pre-Development Cost Agreement and the Agreement for Escrow of Security Funds shall be executed between the subdivider and City prior to submission of the Final Plat to the Planning Commission. This provision shall allow for the City and City Engineer to prepare Final Construction Plans and Specifications for the City Public Infrastructure Improvements, at the required 80% completion level, prior to Final Plat submittal.

The City departments shall review the Final Plat submittal and forward all comments and corrections to the subdivider and Planning Commission for consideration. All review comments and corrections shall be resolved prior to, or during, the Planning Commission meeting.

The Planning Commission shall forward the Final Plat to the City Council for approval consideration with Planning Commission recommendations. After Planning Commission approval, but prior to City Council consideration, the Subdivision Agreement shall be executed between the subdivider and the City. The City Council shall consider the Final Plat at their regular meeting, in a public hearing advertised by published notice at least 10 days prior to the hearing in a paper of general circulation in the City of Valley. Final approval by the City Council shall be by Resolution only. City Council approval and Final Plat signatures shall be required before recording and prior to start of construction. Upon approval of the Final Plat, a certification of approval by the City Council shall be endorsed thereon by the City Clerk. Upon signing of the Final Plat, it shall be filed with the Douglas County Clerk, and one copy shall be filed with the City.

All outstanding plan review and administrative fees of the City of Valley shall be paid in full prior to the City’s approval of the Final Plat. All City engineering fees for City-Owned Public Infrastructure Improvements shall be paid in full in accordance with the Pre-Development Cost Agreement prior to the City’s approval of the Final Plat. Water Capital Facilities Charges and Sewer Capital Facilities Charges shall be paid in full prior to the approval of the Final Plat.

The signed Final Plat shall be filed with the Douglas County Register of Deeds within one year of City Council approval. No building permits shall be authorized until evidence has been submitted regarding the acceptance and filing of the Final Plat to the Douglas County Register of Deeds.

## Final Plat Specifications

The Final Plat shall be prepared by a registered land surveyor, shall conform to the approved Preliminary Plat, and shall include the following:

#### The name of subdivision.

#### The date and a north arrow and graphic scale.

#### 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.

#### A legal description of the perimeter of the subdivision.

#### The location and names of adjacent subdivisions, streets, alleys and any easements.

#### 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.

#### 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 (5/8) inch and minimum length of 24 inches.

#### 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 Article 5 of this document.

#### A notarized surveyor’s statement signed and acknowledged by a registered land surveyor.

#### A signature block for the Douglas County Treasurer stating there are no regular or special taxes due or delinquent against the platted land.

#### A signature block for the approval of the Planning Commission, pursuant to Section 10.03.

#### A signature block for the approval of the City Council, to be signed by the Mayor and attested to by the City Clerk, pursuant to Section 10.04.

#### A signature block for the Douglas County Register of Deeds, pursuant to Section 10.06.

#### A signature block for the Douglas County Engineer, pursuant to Section 10.07.

#### A signature block for the City Engineer, pursuant to Section 10.05.

#### A signature block for the Lien Holder or Lending Institution.

#### A performance bond.

#### One copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.

#### One copy of the City-Owned Public Infrastructure plans and specifications, 80% level of completion, prepared by the City Engineer.

#### Three original copies of the executed Pre-Development Cost Agreement, one copy of the draft Subdivision Agreement and one draft copy of the Agreement for Escrow of Security Funds shall also be included.

#### Four full sized mylar copies and one electronic copy of the Final Plat document.

#### Two copies of the following, prepared by a registered professional engineer, to be delivered to the City Engineer for review:

##### An overlot grading plan

##### A dredging plan, if required

##### A drainage plan, pursuant to Section 6.06.

##### A traffic impact analysis.

##### Stormwater Pollution Prevention Plan (SWPPP)

#### Two copies of the following, prepared by the City Engineer, delivered to the Planning Commission:

##### A sanitary sewer plan and profile(s).

##### A street plan and profile with a statement of proposed street improvements.

##### A water distribution plan and profile(s).

##### A storm sewer plan and profile(s).

## Conditions for Final Plat Approval and Signing

The Final Plat shall not be approved or signed until the following has occurred:

#### Execution of the Subdivision Agreement.

#### Execution of the Predevelopment Agreement and payment of all amounts to be paid to the City pursuant to the terms of the Pre-Development Agreement.

#### Execution of the Agreement for Escrow of Security Fund.

#### Subdivider’s deposit of the appropriate amount pursuant to the terms of the Agreement for Escrow of Security Funds.

#### Payment in full of all plan review and administrative fees, City engineering design fees for City-owned public infrastructure improvements, and capital facilities charges. City having satisfied itself, in its sole and absolute discretion, that the Subdivider has obtained all necessary Corps of Engineering Approvals and Permits necessary to complete the development of the subdivision, including but not limited to obtaining all required Section 404 Permits and any other required wetlands permits. City having satisfied itself, in its sole and absolute discretion, that subdivision as designed is, or will be, in compliance with all of City’s adopted Zoning and Subdivision Regulations.

#### Creation of a Homeowner’s Association pursuant to the terms of Subdivision Agreement, if required.

## Filing

### The Subdivider shall file the Final Plat with the Douglas County Register of Deeds within one year after receipt of the signed Final Plat from the City, but prior to any public improvements being commenced. One copy of the signed Final Plat shall be returned to the City Clerk immediately.

## Vacation of Plat

### *Applicability:* An owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:

#### The Plat to be vacated is a duly recorded Final Plat or Replat.

#### 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.

#### Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.

### *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 City Council. The City Council shall approve or deny the proposal. If the proposal is approved (approved by resolution), it shall then be recorded in the office of the Douglas County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation. If the proposal is disapproved, the City Council shall state such reason(s) for disapproval. The applicant shall be allowed to submit a new application upon a showing that the reason or reasons for disapproval have been corrected.

## Replats

### For a Replat of an existing subdivision, 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:

#### Be discussed with the City of Valley at a scheduled pre-application meeting pursuant to Section 3.01 of the adopted regulations.

#### Be submitted to the City at least 30 days prior to the next regular meeting of the Planning Commission at which request is to be heard.

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

#### Follow the procedure set forth for herein and contain the required Preliminary and Final Plat information.

### Disapproval of Replats shall be based on the following guidelines:

#### A new street or alley is needed or proposed.

#### Vacations of streets, alleys, setback lines, access control or easements are required or proposed.

#### 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.

#### 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.

#### All easement requirements have not been satisfied.

#### Such action taken during a replat will result in a tract without direct access to a street.

#### A substandard-sized lot or parcel will be created.

### Changes required by the Planning Commission, during the Planning Commission’s public hearing, shall be made prior to submitting to the City Council. Replats shall be submitted to the City at least 30 days prior to the next regular scheduled meeting for the City. The City Council shall review and act on the Replat at a public hearing. Notice for such hearing shall be posted at least 10 days prior to the hearing in a paper of general circulation in the City of Valley. The City Council shall, in writing, either approve the Replat with or without conditions, or disapprove the Replat and state the reasons thereof.

## Administrative Subdivisions

### 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 four 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 subdivision application and make a final determination. The Zoning Administrator may approve or disapprove administrative subdivisions in accordance with the following regulations.

### Requests for an Administrative Subdivision approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Two copies on paper of the Administrative Subdivision shall include the following:

#### A survey of the lot(s).

#### Location and precise nature of any structures located thereon, if any.

#### Location and dimensions of the proposed administrative subdivision.

#### A notarized surveyor’s statement signed and acknowledged by a registered land surveyor, pursuant to Section10.02.

#### A signature block for the Douglas County Register of Deeds, pursuant to Section 10.06.

#### A signature block for the Douglas County Engineer, pursuant to Section 10.07.

#### A signature block for the Douglas County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 10.08.

#### A signature block for the approval and signature of the Zoning Administrator and the Mayor and attested to by the City Clerk, pursuant to Section 10.09.

#### A signature block for the City Engineer, pursuant to Section 10.05.

### Disapproval of administrative subdivisions 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 subdivision 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 and/or re platted in accordance with this Ordinance.
9. Required public improvements have not been installed.
10. New dedication of public right-of-way or easements are required

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

### The Zoning Administrator shall, in writing, either approve the Administrative Subdivision, or disapprove the Administrative Subdivision and state the reasons thereof, within sixty (60) days of receiving the application.

### The filing fee for Administrative Subdivisions shall be set in accordance with Chapter 9 of the Revised Municipal Ordinance.

### After approval from the Zoning Administrator the owner or designated representative shall file the Administrative Subdivision with the Douglas County Register of Deeds within one year of Zoning Administrator approval. No building permits shall be authorized until evidence has been submitted regarding the acceptance and filing of the Final Plat to the Douglas County Register of Deeds.

## Minor Subdivisions

### Preliminary and final plats may be reviewed and processed concurrently as minor subdivisions if all requirements for both plats have been satisfied prior to forwarding to the City Council for approval. The Zoning Administrator may waive the requirements for existing and proposed contours, streets sewers and a grading plan for the preliminary plat if no site preparation work is necessary before building development.

# Reserved

# DESIGN STANDARDS

## General

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

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

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

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

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 Plat in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

## 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 design standards, minimum design standards set by the Nebraska Board of Public Roads Classification and Standards and in conformance with City of Valley design standards. See Section 5.30 Schedule A: 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 City Engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the City Engineer deems it necessary with a written recommendation for approval, such dead-end streets shall be provided with a temporary turnaround having a right-of-way radius of at least 60 feet and a paved radius of 44 feet, or other approved design.

Concrete curb and gutters shall be required for all streets within the boundaries of the subdivision.

## Dedication of Rights-of-Way for New Streets

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 5.30 of this Ordinance.

Where a subdivision fronts on an arterial street, the City Engineer 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.

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

## 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 off the arterial street frontage, a frontage road may not be required.

## Intersections

Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be constructed at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. Larger intersection radii may be required in industrial or commercial area or when directed by the City Engineer. When the smallest angle of street intersection is less than 75 degrees, the City Engineer 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 75 feet, or more at the discretion of the City Engineer.

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

## Curves in Streets; Horizontal and Vertical

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

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Minimum requirements shall conform to the standards in Section 5.30 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.

## 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 three tenths of one percent (0.3%). Minimum grades for gutters and ditches shall be three tenths and seven tenths of one percent (0.3% and 0.7%), respectively. The City may allow lesser slopes if approved by the City 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 in a floodplain and zero increase in a floodway. Street grades shall conform to the maximum requirements provided in Schedule A of this Ordinance.

## 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 City Council 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.

## Access / Egress

There shall be a minimum of two vehicular access points per platted subdivision, unless the City Engineer deems it necessary with a written recommendation for approval to the City Council. The City Engineer shall determine the most suitable location for said access points during the review period.

## Street Jogs

Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

## Cul-de-sac Streets

Cul-de-sacs shall not be longer than 500 feet and shall provide a turnaround bulb at the end of the stem portion of the street. The stem portion shall have a 28-foot street width and a 60-foot right-of-way. The bulb portion shall have a radius at the outside of the pavement of at least 44 feet and a radius at the right-of-way of at least 60 feet. Alternative designs for temporary turnarounds may be approved by the City Engineer. Cul-de-sac street lengths shall be measured from the center of the cul-de-sac bulb to the nearest right-of-way line of the intersecting street.

Temporary cul-de-sacs shall be provided for streets which are platted to be extended in the future into adjoining property. Temporary cul-de-sacs shall have a turnaround bulb with the radius at the outside of the pavement of at least 44 feet.

## Terminal Roundabout Streets

Cul-de-sacs longer than 500 feet shall become terminal roundabout streets, allowing for the full two lane street width to continue to circle around the terminal bulb and return to the stem portion of the street. Terminal roundabout streets shall have a 28-foot street width (both stem and roundabout). The right-of-way of the street stem shall be 60 feet radius. The Terminal Roundabout bulb shall have a minimum 66-foot radius center landscaped green space. The centerline radius of the pavement shall be at least 80 feet. The radius of the right-of-way shall be at least 110 feet.

## Design Standards; Boulevards.

Boulevards shall have 20 foot lane widths on each side of the boulevard median, with a 12 foot median width, 8 foot landscaped space between the back of curb and sidewalk, a 5 foot sidewalk, and 1 foot space to the lot line. The total right-of-way width would be 80 feet. Cul-de-sacs located at the end of a boulevard are pursuant to Section 5.30 Schedule A: Minimum Street Standards.

## Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. All proposed names of all streets shall be approved by Douglas County and the City Council prior to such names being assigned or used.

## Private Streets and Reserve Strips

New private streets may be created as part of a gated community or a planned development district provided such streets are specifically authorized by the Planning Commission and City Council 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.

## 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. Paved surfaces of Alleys shall be constructed of Portland Cement Concrete.

## Water Lines and Hydrants (Fire Protection)

Fire protection shall be provided to all lots within a subdivision. All water mains within a subdivision shall be a minimum of six inches in diameter, and shall be sized and designed by the City Engineer. All water mains shall be looped, unless a dead-end is approved by the City Engineer. Hydrant spacing and layout shall not exceed 400 feet and shall be determined by the City Engineer.

## Water Mains and Sewer Mains (Location)

Except for good cause, all water mains and sewer mains shall be located within the street right-of-way.

## Sidewalks

All sidewalks within a subdivision shall be of Portland cement concrete, a minimum pavement width of five feet and shall be located one foot into the street right-of-way adjacent to the residential lot line. No sidewalks are required within Rural Residential RS zoning district.

## Trail Sidewalks / Walkways

All trail sidewalks required in addition to sidewalks within a subdivision shall have a minimum pavement width of eight feet and be in conformance with the City of Valley Trail System Masterplan.

## 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 City, block lengths shall not exceed 600 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for adequate pedestrian circulation.

## 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.

## Double Fronted Lots

Double fronted lots shall be avoided and will only be considered by the City in unusual situations.

## Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be 20 feet in width. When located on a lot line, said easement shall be centered so that there is 10 feet of easement on each side of lot line. In those zoning districts that require five feet side yard setbacks, the required easement shall require the side yard setback to be increased to 10 feet to permit the full 20 foot utility easement.

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

Perpetual easements shall be granted to the power company, gas company, telecommunications company, or cable company to install, operate, maintain, repair or renew utilities. The easements shall be 5 feet in width along the front, rear, and side boundary lot lines of all lots. A 16 foot wide easement shall be provided at the rear of all exterior (outer perimeter) lots within a subdivision. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, and landscaping.

## 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 ten percent, 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 City may require cross drainage structures such as culverts, bridges, etc. No downstream impacts, caused by the new development, shall be allowed.

## Sanitary Sewer System

Design of all sanitary sewer systems shall be performed by the City Engineer. Design standards shall conform to the Nebraska Department of Environmental Quality (NDEQ). The minimum size of public sewer mains shall be 8 inches and the minimum size service line to any residence shall be 6 inches.

## Flood Hazards

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

Subdivision proposals and other proposed new development, including manufactured home parks, are required to assure that

* 1. all such proposals are consistent with the need to minimize flood damage,
  2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate them receiving flood damage,
  3. adequate drainage is provided so as to reduce exposure to flood hazards, and
  4. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, shall include within such proposals the base flood elevation(s).

## Conformance with Other Regulations

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

## Schedule A: Minimum Street Standards



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 bulb shall be 60 feet; the minimum pavement radius for the cul-de-sac turnaround shall be 44 feet.
7. Minimum right-of-way applies to centerline radius for length of terminal roundabout.

# REQUIRED IMPROVEMENTS

## General

The subdivider shall design and construct private infrastructure and non-City owned public infrastructure improvements using standards not less than the standards outlined in this Ordinance. All such designs and construction plans and specifications shall be approved by the City upon recommendation by the City Engineer.

All City-owned public infrastructure work shall be designed, bid and constructed by City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Department of Health and Human Services (DHHS) shall be the minimum standards required thereof.

All costs of design, advertising, bidding and constructing of City-owned public infrastructure and costs for required tests shall be paid by the subdivider. The subdivider shall also pay for all fees, capital facility charges and other costs for the development as outlined in the pre-development cost agreement, the agreement for escrow of security funds, and the subdivision agreement.

## Monuments and Markers

### 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.

### 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 (5/8) inch and minimal length of 24 inches. 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 City Council.

## Street Grading, Construction and Surface Type

### The subdivider or subdivider’s engineer shall grade all streets to the full width of the right-of-way and to within six inches of the final 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 designed by the City Engineer. Where unusual soil conditions, extra-ordinary traffic volumes, or other abnormal characteristics exist, the City Engineer may provide for alternate design standards to address such condition, if necessary.

### Concrete curbs and gutters shall be required for all streets within the boundaries of the subdivision.

### All streets shall be poured-in-place using Portland cement concrete. Concrete shall be Class “47B-3,600,” and shall conform to Division 600 of the Nebraska Department of Transportation (DOT) Standard Specifications for Highway Construction, 2017 Edition. Minimum compressive strength shall be 3,600 psi in 28 days. The concrete cylinders shall be tested by an approved testing laboratory and results of the testing furnished to the City Engineer. Testing shall be conducted at seven days and 28 days from the date of cylinder casting.

### All materials used shall conform to Nebraska Department of Transportation (DOT) Standard Specifications for Highway Construction, 2017 Edition, Division 1000, and 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 Department of Transportation (DOT) Standard Specifications for Highway Construction, 2017 Edition.

## Street Signs, Lighting and Electrical Power

### At least one 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 from said sidewalk or its intended location. Whenever possible, street signs shall be installed on street utility poles. The subdivider shall provide and install all street signs.

### The developer shall arrange for, and pay for, the installation of 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 the Public Power District and/or the City Engineer.

#### Intermediate lights shall be at a maximum of 1,000-foot intervals.

### 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 Omaha Public Power District (OPPD).

## Landscape Screens

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along 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. All landscape screens shall be installed prior to any building occupancy within the subdivision.

## Drainage

### A drainage management system shall be provided by the subdivider. If the plan involves City-owned public infrastructure, said infrastructure shall be designed and constructed by the City, at subdivider’s cost, to provide for the proper drainage of surface water within the subdivision.

#### Preliminary Plat Drainage Report (provided by subdivider) shall include:

##### 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.

##### 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.

##### A preliminary grading plan illustrating the proposed drainage management system.

#### Final Plat Drainage Report (provided by subdivider) shall contain:

##### 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.

##### Quantities of flow at each pick-up point.

##### Estimates and type of temporary erosion control measures necessary to control erosion during construction.

##### A description of an adequate drainage management system within the subdivision and its design capacities based on a 10-year storm.

##### 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.

### *Drainage Requirements.* The subdivider shall provide an overall drainage management system for the subdivision, based on the criteria described above. Drainage improvements involving City-owned infrastructure shall be designed and built by the City, including culverts and storm sewers whenever necessary or required by the City Engineer. Non-City owned drainage improvements, including rain gardens, open ditches between lots, or other offsite private improvements shall be designed and constructed by the subdivide after all plans have been approved by the City Engineer.

### Drainage Management System Standards.

#### All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or open ditches.

#### 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.

#### Where storm water flows across the intersections of streets having curbs and gutters, concrete cross gutters shall be installed at such intersections.

#### 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.

### Drainage Management System and Storm Drain Responsibility. The subdivider shall be responsible for the overall drainage management system and all non-City owned drainage systems. The City shall be responsible for the design and construction of all City-owned storm sewer infrastructure. The subdivider shall pay for all costs.

## Sanitary Sewers.

A sanitary sewer system shall be designed and constructed by the City for all lots in the proposed subdivision. The subdivider shall pay for all costs. The following requirements shall apply:

### Within the corporate limits, a sanitary sewer collection system including all pipes and manholes shall be provided and said collection system shall be connected to the public sewage system in accordance with plans prepared by the City Engineer and acceptable to the City.

### Within the jurisdictional areas of the City but outside the corporate limits, a sanitary sewer collection system including all pipes and manholes shall be provided and said collection system shall be connected to the public sewage system of the City in accordance with plans prepared by the City Engineer and acceptable to the City. Should the proposed subdivision be located in a drainage sub-basin without available sewer service, the subdivider may utilize the City’s Sanitary Sewer Sub-Basin Pioneering Policy.

### Within the jurisdictional areas of the City, no private collection and treatment systems shall be allowed for new subdivisions. Special temporary provisions may be allowed when appropriate for remote properties consisting of approved on-site treatment systems approved by local and state environmental officials.

### Standards. The City shall prepare a sanitary sewer layout plan for a permanent sewage system showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, and the location, type and size of all pumping stations and force mains. The City shall design and construct all sanitary sewer infrastructure. The sudivider shall pay for all costs.

#### Design Standards of said system shall be in accordance with the following standards:

##### At least 8-inch PVC gravity sewer mains shall be installed.

##### At least 6-inch service line connections from the sewer main to the property line of each lot will be installed with the location marked.

##### Manholes (54-inch min.) will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size.

##### Manhole high build epoxy coating is required on all interior surfaces.

#### Design standards of said system shall be in general compliance with the requirements of the Nebraska Department of Environmental Quality (NDEQ) – Title 123.

## Water Mains.

A water distribution system shall be designed and constructed by the City to provide adequate water service to all lots in the proposed subdivision. The subdivider shall pay for all costs. The following requirements shall apply:

### Within the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the public water system in accordance with plans prepared by the City Engineer and acceptable to the City.

### Within the jurisdictional area of the City, but outside the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the public water system in accordance with plans prepared by the City Engineer and acceptable to the City. For remote subdivisions, separated from the City infrastructure by open, developable land, the City’s Water Main Extension and Pioneering Policy provisions may apply which allows for future reimbursement of main extensions by other future subdividers.

### Within the jurisdictional areas of the City, no private water supply and distribution systems shall be allowed for new subdivisions. Special temporary provisions may be allowed when appropriate for remote properties consisting of a private well system approved by local and state health officials.

### Standards. The City shall prepare a water system layout plan for a permanent water distribution system showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable, booster pumps or storage reservoirs, and other appurtenances.

#### Design Standards of said system shall in accordance with the following standards:

##### At least a 6-inch diameter DIP water mains shall be installed to serve each lot located within the subdivision. Larger sizes may be required to meet demands and to provide fire protection.

##### Fire protection shall be provided for all properties within the City and the City’s jurisdiction. Fire hydrants shall be provided and shall be accessible by the Fire Department along the street facing each lot. Hydrants shall be located at a maximum of 400-foot intervals, unless otherwise designed by the City Engineer. The layout and flow design must meet the minimum requirements as set forth by the City.

##### Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 500 feet to be out of service in Commercial and Industrial districts or 800 feet in other districts.

##### Valves or cross-connecting mains shall be located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.

##### Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Health and Human Services (DHHS) – Title 179.

## Extension of Utilities to Boundaries.

The subdivider shall be required to extend all necessary utility improvements to the boundaries of his proposed subdivision at his expense to allow for services to future anticipated developments on the adjoining lands, as determined by the City.

## Off-site Extensions.

If streets or utilities are not available at the boundary of the proposed subdivision and the City determines that extensions across undeveloped areas does not warrant the use of the City’s pioneering policies, the subdivider shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the Final Plat.

## Land Preparation.

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the City or as approved by the City Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.

As land preparation is completed, the subdivider, any successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or any successors and assigns.

The subdivider shall be required to provide for the control of erosion in areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silt basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage. All erosion control measures shall be reviewed and approved by the City. The subdivider shall be responsible for all erosion control costs, for periodic maintenance and repairs, and for inspections after rainfall events.

## Sidewalks

The subdivision sidewalk system shall be designed by the City Engineer. Sidewalks shall be provided in all subdivisions as required by City Ordinance and shall be constructed of Portland Cement Concrete. Sidewalks shall be four inches in thickness and 5 feet wide.Sidewalks shall be constructed in street right-of-way and shall provide access to all lots within the subdivision. The placement of the sidewalk shall be such that the street side portion of the sidewalk is 10 feet from the back of street curb, and the far side portion is 1 foot from the front yard property line. Sidewalks shall be required in front of all lots, in front of outlots and within street intersections to provide continuity of pedestrian traffic through the subdivision.

Frontage sidewalks shall be constructed by the adjacent homeowner and must be completed prior to the issuance of a Certificate of Occupancy.

Crossing sidewalk sections permitting pedestrian movement from one side of the street to the other side shall be constructed by the adjacent homeowner at the time the homeowner construct their frontage sidewalk.

Intersection sidewalks shall be located at all street intersections and shall be constructed by the subdivider at the time that the street intersection is constructed.

Trail sidewalks shall be designed by the City Engineer in accordance with the City’s trail system master plan. If the master plan includes trail sidewalks through, or adjacent to, a new subdivision, the subdivider shall be required to construct said trail sidewalks, at their cost.

## Driveways

Driveways shall be required to provide access from public streets to private property. The portion of the driveway constructed on City right-of-way (i.e. the portion between the edge of the public street and the private lot line) shall not be used for private or commercial purposes. Vehicles shall be parked entirely on private property.

Driveways shall be constructed pursuant to Article 7 of Valley’s Zoning Regulations.

# DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

## Improvements Financing, General.

In order to provide consistent information concerning the financing of required subdivision improvements; establish and equitable division of costs between the developer and City; and to insure orderly, cost effective growth in Valley, the City shall require that the developer pay for the following services and improvements indicated as part of the subdivision process.

### All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.

### Unless otherwise agreed to by the City in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

## Agreements

### The Subdivider shall enter into the following agreements with the City of Valley:

#### Predevelopment Agreement

#### Agreement for Escrow Security Fund

#### Subdivision Agreement

### Predevelopment Cost Agreement

#### The Predevelopment Cost Agreement shall provide for the subdivider to pay the City of Valley for all costs incurred by the City for planning, plat review fees, engineering fees, legal and other miscellaneous expenses associated with the proposed subdivision. Payment of all costs shall occur prior to the City of Valley approval of the Final Plat.

### Agreement for Escrow Security Fund

#### The Agreement for Escrow Security Fund shall provide the subdivider to deposit an amount for all costs of public infrastructure improvements to insure completion of the construction of such improvements and act as a security for Subdvider’s faithful performance of its obligations under the Subdivision Agreement and to provide a fund for the payment of the contractor’s construction of such improvements. The Security Fund shall be in an amount determined by the City of Valley and deposited with a financial institution as an escrow agent to the City of Valley before the City of Valley approval of the Final Plat.

### Subdivision Agreement

#### The Subdivision Agreement shall provide the subdivision of real property into lots and of streets, storm sewers, sanitary sewers and water mains, sidewalks and landscaping in public right-of-ways to each lot within the proposed subdivision. The Subdivision Agreement must be executed before the City of Valley approval of the Final Plat.

## City Takeover Rights

### In the event that subdivider should abandon the construction of the Public Improvements at any time then City shall have the option of taking over control of the construction of the Improvements in the following manner:

#### City shall give subdivider written notice of its intent to take control of the construction of the Public Improvements.

#### Subdivider shall have sixty (60) days after receipt of such written notice to commence or re-commence construction of the Public Improvements.

### In the event that subdivider commences or re-commences construction of the Public Improvements within such sixty (60) day period, then City’s right to take control of the construction of the Improvements shall terminate, but only with respect to the alleged abandonment set forth in the written notice.

### In the event that subdivider does not commence or re-commence construction of the Public Improvements within such sixty (60) day period, then, on the first business day after the expiration of such sixty (60) day period the City can proceed with the construction of the Public Improvements. All payments to the contractors constructing the Public Improvements, and any reimbursements to the City as described herein, shall be made pursuant to the terms of the Agreement for Escrow of Security Fund.

### For the purposes of this Agreement abandonment of construction of the Improvements shall be defined as the failure of subdivider to diligently pursue construction of the Improvements for a continuous and successive period of sixty (60) days.

## Certification and Inspection (Private Improvements)

Upon completion of the private improvements, the developer or designated agent shall file with the City a statement either certifying that the improvements meet the requirements of the city or provide a statement indicating the improvements do not meet the requirements of the approved improvement plans and specifications.

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

#### That all required improvements are complete.

#### That these improvements are in compliance with the minimum standards specified by the City.

#### That there are no known defects from any cause in the improvements.

#### That these improvements are free and clear of any encumbrances or liens.

## 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 City Council. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision pursuant to Article 10 of Valley’s Zoning Regulations.

# WAIVERS

## Granting of Waivers (Exceptions) and Conditions

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

#### There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.

#### The waivers are necessary for the reasonable and acceptable development of the property in question.

#### The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

## Subdivision; Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits of Valley may be included within the same and become a part of the City of Valley upon approval of and acceptance by Ordinance. Such annexation shall only occur after the City Council 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 City Council is to annex said subdivision or addition upon approval of the Final Plat; the following procedures shall be taken:

#### Notice of the time and place of separate public hearings for the Planning Commission to recommend and the City Council to approve the annexation shall be provided pursuant to Neb. Rev. Stat. §19-904 (R.R.S.1997).

#### 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.

## Amendments

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

# ADMINISTRATION AND ENFORCEMENT

## General

### It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.

### 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 City Council in accordance with the provisions of these regulations, and filed for record with Douglas County Register of Deeds.

### 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.

### No building 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.

## Amendments

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

## 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 100 dollars plus the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. 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) 30 days, or 2) the time necessary to pay such fine and costs in full.

# Certification and Dedication Statements

## Notary Public Acknowledgment

STATE OF NEBRASKA )

) ss

COUNTY OF DOUGLAS )

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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (SEAL)

Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

## 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)

## Approval of Valley Planning Commission

Approval of the Planning Commission of Valley, Nebraska

This plat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was approved by the Valley Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson, Valley Planning Commission

## Acceptance by Valley City Council

Acceptance BY THE CITY COUNCIL OF VALLEY, NEBRASKA

This plat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was approved by the City Council of the City of Valley, Nebraska on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, in accordance with the State Statutes of Nebraska.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(City of Valley SEAL)

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

## Acceptance by Valley City Engineer

This plat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was reviewed and accepted by the Valley City Engineer on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Valley City Engineer

## Acceptance by Douglas County Register of Deeds

ACCEPTANCE BY DOUGLAS COUNTY REGISTER OF DEEDS

This plat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was recorded on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, at book # \_\_\_\_\_\_\_\_, page # \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Douglas County Register of Deeds (SEAL)

## Review of Douglas County Engineer

Review of Douglas County Engineer

This plat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was reviewed by the office of Douglas County Engineer on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Douglas County Engineer (SEAL)

## Douglas County Treasurer’s Certifications

Douglas 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Douglas County Treasurer Date

(SEAL)

## Administrative Subdivision Approval

APPROVAL OF ADMINISTRATIVE SUBDIVISION

This Administrative Subdivision was approved by the City of Valley on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk Mayor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zoning Administrator

(City of Valley SEAL)

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

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

There are strips of ground shown 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 City to install, repair, replace and maintain its installations.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Owner Signature of Owner

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed name Printed name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Date

# Legal Status Provisions

## Separability

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

## Purpose of Catch Heads

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

## Repeal of Conflicting Ordinances

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

## Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Valley, Nebraska,

This \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_, 2019.

(Seal)

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk Mayor