

## **CHAPTER 10 – SUBDIVISION REGULATIONS**

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## CHAPTER 10 – SUBDIVISION REGULATIONS

(Adopted 5/6/08)

**SECTION 1: AUTHORITY.** These regulations are hereby adopted and enacted under authority of Neb. Rev. Stat. Sections 19-916 thru 19-922 and 17-1001 thru 17-1003, and amendments thereto, and comprise requirements, standards and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the approval of preliminary plats and final plats and endorsement thereof by the Firth Planning Commission and by the Village Board of Trustees. No final plat of a subdivision shall be approved and accepted by the Village Board unless it conforms to the provisions of these regulations.

**SECTION 2: PURPOSE.** The purpose of these regulations is to provide for the orderly development of Firth and its environs; to proscribe standards for the laying out of subdivisions in harmony with the Comprehensive Plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the Comprehensive Plan to provide for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

**SECTION 3: JURISDICTION.** The provisions of this ordinance shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Maps of the Village as may be amended from time to time.

**SECTION 4: APPLICABILITY.** Any plat hereafter made for each subdivision or part thereof lying within the jurisdiction of this ordinance, shall be prepared for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, 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 re-subdivision or re-platting of land or lots, except that the division of land when the smallest parcel created is more than ten 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 hereafter provided.

A. Each separate principal use/building within the jurisdiction of this ordinance shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning ordinance of the Village.

B. No subdivision of land shall be permitted within the planning jurisdiction of Firth unless a plat is approved in accordance with the provisions of these regulations. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit

to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the Village Board and recorded with the Lancaster County Register of Deeds.

C. These Subdivision Regulations shall not apply to the following:

1. A subdivision of land whereby the smallest parcel created or remaining is more than ten acres.
2. The subdivision of burial lots in cemeteries.
3. A change in the boundary between adjoining lands which does not create an additional lot or does not result in a nonconformity of an existing lot.

## **SECTION 5: DEFINITIONS**

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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

**BUILDING LINE.** A line parallel or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either line that a building may be erected. In the case of a cul-de-sac, the building line shall be measured around the curvature of the street line.

**BUILDING OFFICIAL.** The person or persons designated by the governing body to administer this subdivision ordinance whether such person or persons by entitled building official, building inspector, administrative official, or zoning administrator.

**COMMON OPEN SPACE.** That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.

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

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

**COMPREHENSIVE PLAN.** The long-range development plan adopted by the Village Board of Trustees.

**COVENANT.** Written promise or pledge.

**CULVERT.** A transverse drain that channels water under a bridge, street or driveway.

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

**ENGINEER.** A person licensed by the State of Nebraska, designated by the Village Board to act for the Village.

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

**GREEN AREA.** Same as common open space.

**IMPROVEMENT.** Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, fire hydrants, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites. (Am. Ord. No. 10-2017-2, 10/3/17)

**LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking required by this chapter and fronting upon a street.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection.

**LOT, INTERIOR.** A lot other than a corner lot which has frontage on one street only.

**LOT, THROUGH.** A lot other than a corner lot fronting on more than one street.

**LOT OF RECORD.** A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Lancaster County Clerk.

**MONUMENTS.** Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

**OUT LOT.** Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

**PARKING SPACE, OFF-STREET.** Off-street parking shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress.

**PEDESTRIAN WAYS.** A tract of land dedicated to public use, which cuts across a block

to facilitate pedestrian access to adjoining streets and properties.

**PLANNED DEVELOPMENT.** Special development of certain tracts of land, planned and designed as a unit for one or more land uses under rules and procedures contained in these regulations.

**PLANNING AREA.** The statutory zoning jurisdiction of the Village of Firth.

**PLANNING COMMISSION.** The appointed planning body designated by the Village Board of Trustees.

**PLAT.** Map, drawing, or chart upon which the developer's plan of subdivision (preliminary) is presented to the Village Board for approval and, after such approval, to the appropriate county clerk for recording.

**PLOT.** A parcel of ground.

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

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

**SETBACK LINE.** A line, as shown on a record plat or otherwise established by the Village Board, beyond which no part of a main exterior wall of a building or structure may project.

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

**STREET.** A public or private thoroughfare including avenues, which affords principal means of access to abutting property.

**SUBDIVIDER.** The owners, developers or agents of persons or corporations affecting subdivision.

**SUBDIVISION.** The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership, building development or, if a new street is involved, any division of a parcel of land. Includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.



**SURVEYOR.** Any person registered in Nebraska to practice surveying.

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

**Alley:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

**Arterial street:** A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

**Collector street:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

**Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**Dead-end street:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**Local street:** A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.

**Marginal access street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also called frontage street or service road.

**VICINITY MAP.** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Village, in order to better locate and orient the area in question.

**WALKWAY.** See sidewalk.

**ZONE OR DISTRICT.** A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings, are established.

(Am. by Ord. No. 10-2017-2, 10/3/17)

**SECTION 6: SEVERABILITY.** Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## **SECTION 7: PROCEDURES**

**7.1 Plat Submission Requirements.** The subdivider shall submit to the village clerk 11 copies of the preliminary plat and supplemental material specified, with written application for conditional approval, at least ten days prior to the regular meeting of the Planning Commission at which the request will be heard.

**7.2 Fees.** Fees are set by the Firth Village Board.

**7.3 Scale and Preliminary Plat Contents.** Preliminary plats shall be a scale of one inch to 100 feet or 1 inch = 200 feet if 75 percent of the lots are one acre or larger, and shall be prepared with the following information:

- A. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
- B. Present zoning.
- C. Date, north point and graphic scale.
- D. Location of property lines, roads, existing utilities with size of lines, and other underground installations and easement.
- E. Names of adjoining properties or subdivisions.
- F. Proposed utility system, including water, sewer and paving.
- G. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.
- H. Location of proposed drainage.
- I. Contours at 5 feet intervals at 1" = 200' scale.
- J. Proposed improvements and grading concepts.
- K. Location of existing buildings.
- L. Proposed easements, dedications and reservations of land required.

**7.4 Notification of Improvement Schedule.** Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.

**7.5 Notification of County Planning Commission.** The Village shall notify the Lancaster County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that municipality in such county. The Commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the Village after the Commission receives all available material for a proposed subdivision plat.

**7.6 Notification of School Board.** At least ten days prior to the Planning Commission meeting at which the preliminary plat is to be considered for approval, the Commission shall submit a copy of the proposal to the school board of each school dis-

tract which the proposed development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

**7.7 Approval or Rejection.** After review of the preliminary plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat, within 30 days after the official meeting at which the plat was considered.

**7.8 Recording of Action.** The action of the Planning Commission shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy relayed to the Village Board and one copy retained by the Planning Commission.

**7.9 Approval is Conditional.** Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and the Village Board. Any conditional approval of the preliminary plat shall be effective for a period of one year unless an extension is granted by the Planning Commission.

**7.10 Installation of Improvements for Final Plat Approval.** Following approval of the preliminary plat, the subdivider shall:

- A. Agree to install the required improvements or;
- B. Sign an agreement, which shall be entered into only at the option of the Village, thereby guaranteeing the installation of improvements; or
- C. Furnish a bond or enter into an escrow or security agreement approved by the village attorney in an amount sufficient to guarantee the installation of the required improvements.

**7.11 Final Plat Submission Requirements.** Final plats, showing entire concept, shall be submitted to the village clerk within one year of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

**7.12 Scale and Final Plat Contents.** One original and two Mylar copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on Mylar and shall be at a scale of 1 inch to 100 feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision.

- B. Streets and street names, lots, setback lines, lot numbers, etc, except that in industrial-type subdivisions, lot designation may be excluded.
- C. Graphic scale and north arrow.
- D. Monuments (ferrous), 1 inch diameter maximum, 30 inches length minimum.
- E. Dimensions, angles and bearings, and complete legal description of the property.
- F. Sufficient survey data to reproduce any line on the ground.
- G. Names of adjoining subdivisions.
- H. Location and dimensions of any easements.
  - I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- J. Certification by surveyor as to accuracy of survey and plat.
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- L. Certification recording the approval by the Planning Commission.
- M. Certification recording the approval by the Village Board and the acceptance of any dedications.

**7.13 Supplementary Data Required.** The final plat shall be accompanied by construction plans of all required public improvements, approved by an engineer.

**7.14 Professional Assistance.** The Village Board or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

**7.15 Planning Commission Recommendations.** The Commission shall reject or approve the final plat and have prepared a recommendation to the Village Board recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or Village Board shall be given the subdivider within 60 days after submission of the final plat to the Planning Commission.

**7.16 Administrative Subdivision.** In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three lots of record, the subdivider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the subdivider of its obligation to comply with Section 8: Streets, Alleys, Sidewalks and Driveways; and Section 9: Utility and Drainage Facilities of the Subdivision Regulations. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision. The procedure for such application will be as follows:

1. Application will be made to the Village Board, which may act or may at its

option refer the application to the Planning Commission. In the event it is referred to the Planning Commission, the procedures outlined under the final plat provisions shall be followed.

2. The subdivider shall submit an original and 11 copies of the plat. The original shall be drawn in ink on tracing cloth, Mylar, or similar material, and shall be at a scale of 1 inch to 100 feet or larger. The plat shall contain the following:
  - a. Date, title, name, and location of the subdivision.
  - b. Names and locations of abutting streets and lots identifying street names and lot and block numbers.
  - c. Identification of the new lot and block numbers and setback lines.
  - d. Graphic scale and true north point.
  - e. Monuments.
  - f. Dimensions, angles and bearings and complete legal description of the property.
  - g. Sufficient engineering data to reproduce any line on the ground.
  - h. Location, dimensions, and purposes of any existing easements.
  - i. Certification by surveyor or engineer certifying to the accuracy of the survey and plat.
  - j. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
3. The plat shall be accompanied by:
  - a. Protective covenants in form for recording if such are desired by the subdivider.
  - b. For subdivisions adjoining or touching the boundaries of the Firth corporate limits, a tract or area for which annexation proceedings have commenced, an approved subdivision which touches or adjoins the corporate limits, a petition signed by the owner or owners requesting annexation to the Village.
  - c. Utility easements signed by the owner or owners to permit all lots created access to all utilities available in the Village, including but not limited to, sanitary sewer, storm sewer, water, electrical, telephone, and cable television.

## **SECTION 8: STREETS, ALLEYS, SIDEWALKS, DRIVEWAYS**

**8.1 Streets.** The arrangements, 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 the land to be served by such streets.

**8.2 Street Extension.** The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the Village Board, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Village Board deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least 60 feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

**8.3 Dedication of Right-of-Way for New Streets.** The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Comprehensive Development Plan. All streets classified as arterial streets by the Comprehensive Development Plan shall have all points of access approved by the Village Board. Marginal access streets may be required by the Village Board for subdivisions fronting on arterial streets.

**8.4 Dedication of Right-of-Way for Existing Streets.** Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

**8.5 Intersections.** Streets shall intersect as nearly as possible at an angle of 90° and no intersection shall be at any angle of less than 60°. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75°, the Village Board may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within 50 feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

**8.6 Widths, Grades and Sight Distance Requirements.** Right-of-way widths, pavements widths, grades and sight distance requirements shall be as follows:

Type	R.O.W.	Pavement	Grade	Minimum Sight Distance on
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				<b>Curves</b>
Arterial Street	*100'	46'	8%	400'
Marginal Access Streets	60'	22' w/ 6' Shoulders	10%	300'
Collector Streets	*70'	44'	10%	300'
Local Streets	60'	22' w/ 6' Shoulders	10% Av.	300'
Alleys	20'	20' Residential 20' Commercial	No max. No max.	None None
Cul-de-sacs	100'	40'	10% Av.	200'

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

The horizontal alignment on all streets except in unusual cases as determined by the Firth Planning Commission shall as follows:

<b>Street Type</b>	<b>Radii of Horizontal Curves</b>
Arterial Streets	700' Minimum
Collector Streets	300' Minimum
Local Streets	100' Minimum

### **8.7 Marginal Access Streets.**

Where a subdivision abuts or contains an existing or proposed arterial street, the Village of Firth may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway or which traffic volumes and vehicular speeds warrant special safety considerations, the Village may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railway right-of-way or limited access highway right-of-way, the Village may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**8.8 Street Jogs.** Street jogs with center line offsets of less than 125 feet shall be prohibited. Cul-de-sacs, minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having a radius at the outside of

the right-of-way of at least 100 feet.

**8.9 Street Names.** Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than 45° without a return to the original alignment within a distance of 500 feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the designated village engineer prior to such names being assigned or used.

**8.10 Private Streets and Reserve Strips.** There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the village or county under conditions approved by the Village Board as authorized herein.

**8.11 Grading Specifications.** All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the Village Board. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

**8.12 Minimum Pavement Widths.** Pavement widths shall be measured between curb backs.

**8.13 Street Surfacing.** The streets in the proposed subdivision shall be paved, including curbs and gutters, and street surfacing shall be of concrete or any other suitable surface as recommended by the designated village engineer and approved by the Village Board. Requirements for paving, including curb and gutter, may be waived at the request of the subdivider. Streets in such subdivision shall have a crushed rock or gravel surface which meets the specifications of the Village.

**8.14 Curb and Gutter.** Curb and gutter shall be provided as required by the village engineer. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential



density of the areas surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the Village and as approved by the village engineer.

**8.15 Blocks.** Except in unusual circumstances, the maximum length of blocks shall be 1,320 feet.

**8.16 Street Name Signs.** Street name signs, of a type in use throughout the Village, shall be erected by the subdivider at all intersections.

**8.17 Alleys.** Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall be 16 feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead end, as determined by the Village Board. Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the Village Board.

**8.18 Sidewalks.** Sidewalks shall be provided as required by village ordinances and shall be constructed of Portland Cement concrete or other acceptable materials as approved by the Village Board. Sidewalk thickness shall be not less than 4 inches and sidewalk width not less than 4 feet.

**8.19 Driveways.** Driveways shall have a maximum grade of 10 percent. Driveways and curb cuts shall be located not less than 3 feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be 3 feet wider than the driveway pavement on each side.

**8.20 Street and Walkway Lighting.** The street lights shall be the responsibility of the subdivider. Such lights shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two adjacent street or walkway lights would exceed 300 feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained.

- A. New subdivision street and walkway lighting shall be installed with all associated wiring underground, as required by the Village.
- B. All street lights shall meet specifications of the Village of Firth and the village engineer.

(Am. by Ord. No. 10-2017-2, 10/3/17)

## **SECTION 9: UTILITY AND DRAINAGE FACILITIES**

**9.1 Sewer and Water.** It shall be required that the owner or developer of the tract to be subdivided install, satisfactory sewer and water lines which are necessary to serve such subdivision. Installation of the above shall be in accordance with the specifications of the Village and under the direction and supervision of the Village Board. Where adequate water and sewer lines are accessible within 1,320 feet of the final plat, connections to these lines shall be made. Water lines shall be looped according to specifications set by the Village Board.

The cost of providing this engineering service will be the responsibility of the owner or developer of the tract to be subdivided or by other agreement with the Village. Design of municipal water mains and sanitary sewer lines shall conform to standards and guidelines approved by the village engineer.

**9.2 Sanitary Sewer Improvements.** The following requirements shall govern sanitary sewer improvements:

1. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the Village Board, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of village standards, the Nebraska Department of Environmental Quality and the Department of Health and Human Services. Combinations of sanitary sewers and storm sewers shall be prohibited.
2. Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
  - A. A central treatment plant, provided that such central treatment plant is installed in accordance with the Village, Nebraska Department of Environmental Quality and Department of Health and Human Services requirements, or
  - B. Lots may be served by individual disposal systems, if the provisions of the following section are met. Must meet Department of Environmental Quality specifications of Title 124.
3. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the Village, the Department of Environmental Quality – Title 124 Sanitary Sewer System regulations, and the Department of Health and Human Services.
4. Each lot so served shall be of a size and shape to accommodate the

necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than 1 acre in area.

5. At least one percolation test shall be made for each lot area being plated, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Village Board.

**9.3 Drainage Improvements.** In new developments, post-development flow rates shall not exceed pre-development conditions. This can be addressed by considering the following: (A) minimizing the amount of directly connected impervious area, and (B) controlling the rate of runoff by implementing storm water management systems which use practices that maintain vegetative and porous land cover or use of storage facilities.

An adequate system for the drainage of all surface water within the area being subdivided, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other structures, shall be constructed by the developer. Such drains shall comply as to size with such requirements, conformable to good engineering practice, as the Village Board shall prescribe; provided that such drains in no event shall be less than 12 inches in diameter. Cross drains shall be constructed to accommodate all natural water flow, be built on a straight line and grade, be laid on a firm base but not on rock and be of sufficient length to permit construction of streets and alleys to their required width and grades.

Surface drainage pipes shall be laid with the spigot end pointed in the direction of the flow, and all ends shall be fitted and matched to provide tight joints and a smooth uniform invert. Such pipes shall be placed at a depth below the road bed that is sufficient to avoid dangerous pressure from impact and the top in no event shall be less than 1 foot below the surface of the road bed.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The village engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Regulations.

The village engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development or the subdivision will overload an existing downstream drainage facility or flood existing development upstream, the Planning Commission may withhold approval of the subdivision until provision has been

made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

Subdivision proposals and other proposed new development be 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 flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards, assuring that all building sites are reasonably safe from flood hazards.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage study required for submittal approval.

(Am. by Ord. No. 10-2017-2, 10/3/17)

**9.4 Storm Sewers and Storm Water Drainage.** Where an adequate public storm sewer system is available at the plat boundary, the Village shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easement of adequate width shall be provided, as determined by the village engineer and approved by the Village Board. Paved gutters or storm sewers shall be required if velocities are greater than specified in these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility but shall connect to an adequate drainage outlet.

**9.5 Culverts and Bridges.** Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the Village to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the village engineer. The minimum diameter of a culvert pipe shall be 18 inches. Depending on existing drainage conditions, head walls may be required.
2. Driveway culverts shall have a minimum length of 20 feet and a minimum diameter of 18 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

**9.6 Solar Access.** In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running

east-west.

In order to allow the orientations of structures on the site so as to maximize potential solar gain, side lot lines should run as near to north-south as possible providing that the angle between the side of lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than 80°.

Any property owner or developer may grant or establish a solar sky-space easement to protect solar energy systems from shade. The easements shall be created in writing and shall be recorded separately or should be contained on the face of the plat. The easements shall run with the land.

**9.7 Erosion Control.** The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the Village and the village engineer.

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**9.8 Fire Protection.** Fire hydrants shall be provided and installed by the subdivider. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of every cul-de-sac exceeding 400 feet in length. The type of hydrants and control valves and the location of the hydrants shall be approved by the Village of Firth and the fire chief. A water line serving any hydrant shall not be less than 6 inches in diameter and should be a circulating water line. The sizes and locations of water lines shall be approved by the village engineer and the fire chief.

(Am. by Ord. No. 10-2017-2, 10/3/17)

### **9.9 Electric, Gas, and Telephone Improvements.**

1. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting, and communications conductors may be installed underground at the option of the Village Board.
2. Overhead secondary utility lines, where installed, shall be located at the rear of all lots.
3. Whenever a sanitary sewer line and electric and/or telephone line is each placed underground in the same utility easement, the following provisions shall be applicable:
  - A. The total easement width shall not be less than 15 feet, and
  - B. The sanitary sewer line shall be installed within 3 feet of the easement, and the electric and/or telephone line shall be installed within 3 feet of the opposite side of the easement.

## **SECTION 10: SHARED IMPROVEMENT COSTS**

**10.1 Extensions to Boundaries.** The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining un subdivided land, as determined by the Village Board.

**10.2 Off-site Extensions.** If street or utilities are not available at the boundary of a proposed subdivision and if the Village Board finds the extensions across undevel-

oped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to the approval of the final plat, to obtain necessary easements or right-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

## **SECTION 11: SUBDIVISION IMPROVEMENT PROCEDURE**

**11.1 Subdivision Improvements Guarantees.** Prior to the final plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the Village Board.

In lieu of requiring the completion of all improvements prior to the final plat approval, the Village Board may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this ordinance and approved by the Planning Commission and Village Board in a manner satisfactory to the Board. To secure this agreement, the subdivider shall provide, subject to the approval of the Village Board, one or more of the guarantees set forth in Sections 11.1, 11.2 and 11.3.

**11.2 Surety Performance Bond.** The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the Village and shall be in an amount to cover 110 percent of the cost of all improvements, as estimated by the subdivider and accepted by the Village Board upon recommendations of the village attorney and engineer. The duration of the bond shall be until such time as the improvements are accepted by the Village Board in accordance with Section 11.10 of this ordinance.

**11.3 Escrow Account.** The subdivider shall deposit cash, or other instrument readily convertible to cash at face value, either with the Village Board or in escrow with a bank. The use of any instrument other than cash and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Village Board. The amount of the deposit shall be an amount equal to 110 percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the Village Board upon recommendation of the village engineer.

**11.4 Security Agreement.** The subdivider shall provide a security agreement guaranteeing the installation of all required improvements. The security agreement must be approved by the village attorney and in an amount sufficient to guarantee the installation of all improvements. In the case of an escrow account, the subdivider shall file with the Village Board an agreement between the bank and himself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released



by the Village Board and may not be used or pledged by the subdivider as security in any other matter during that period.

2. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the Village Board for use in completion of the improvements.

**11.5 Improvement (Assessment) District.** Because the original intent of such improvements in already built-up areas and because the Village should not assume the risk of real estate development which results if the lots are unable to be sold and the subdivider defaults on the assessment payments, the use of improvement districts in connections with new subdivision developments shall not be used as a method of financing such improvements. Only in specific cases where the subdivider illustrates through extensive market research will the Village Board consider acceptances of an improvement district as a means of financing the necessary improvements and providing financial security to the Village.

**11.6 Time Limits.** Prior to the granting of final plat approval, the subdivider and the Village Board shall agree upon a deadline for the completion of all improvements. Such deadline shall not exceed two years from the date of final plat approval, provided, however, the Village Board may extend that deadline for one additional year where the subdivider present substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

**11.7 Installation of Improvements.** Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

1. They may install the required improvements upon acceptance of plans and specifications being approved by Village Engineer and Village Board.
2. They may submit a petition or petitions requesting the Village to construct street surfacing, sanitary sewer, and water mains in the proposed subdivision by the district method. In that event, the Village will prepare plans and specification for all such improvements districts and shall assess the cost of such improvements to the adjacent property, as provided by law. The size of any street improvement district, sanitary sewer district, or water main district, shall be determined by the Village Board and the construction of any such district shall be subject to the Village's ability to finance any of the improvements.

**11.8 Plan Review Reimbursement.** The subdivider or sanitary and improvement district shall reimburse the Village such costs incurred by it for plan review, plan check, and plan approval as to conformance with approved village standards and speci-

fications, but such costs shall not exceed one percent of the total contracted cost for improvements in the subdivision.

**11.9 Failure to Complete Improvements.** If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 11.10 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the Village Board shall accept one of the following sections:

1. Where improvements have Firth guaranteed under Section 11.2 of this ordinance, the bond shall be forfeited to the Village.
2. Where improvements have Firth guaranteed under Section 11.3 of this ordinance, the Village Board shall declare whatever security has Firth pledged as a guarantee to be forfeited.
3. Where the Village Board is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the Village Board shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

**11.10 Inspection and Certification.** The village engineer or other authorized person shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the village engineer or other authorized person shall file with the Village Board a statement either certifying that the improvements have Firth completed in the specified manner or listing defects in those improvements which do not meet the requirements of the approved improvement plans and specifications. Upon completion of the improvements, the subdivider shall file with the Village Board a statement stipulating the following:

1. That all required improvements are complete
2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and Village Board.
3. That the subdivider knows of no defects from any cause in the improvements.
4. That these improvements are free and clear of any encumbrance or lien.

If the village engineer or other authorized person has certified that the improvements are complete and free from defect, the Village Board shall accept any dedication of improvements. The Board may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have Firth received for that portion of the improvements.

**11.11 Reduction of Guarantees.** In those cases where improvement guaranteed have Firth made under Section 11.2 or 11.3 of this ordinance, the amount of the

guarantee may be reduced upon acceptance in compliance with Section 11.10 of the dedication of a portion of the improvements.

**11.12 Release of Guarantees.** Upon acceptance, in accordance with Section 11 of this ordinance, the Village Board shall authorize the release of the performance bond or the remaining portion of the escrow.

## **SECTION 12: DEDICATION OF PUBLIC LAND**

### **12.1 Dedication.**

1. At the time of final plat approval by the Village Board, the owners shall be required to dedicate to the public use all streets, alleys, easements, and buffer strips as required by the Village Board and these regulations. Acceptance of dedicated land shall be recorded in the minutes of the Village Board.
2. Subdividers of "Commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the Village Board.

## **SECTION 13: ANNEXATION AND RECORDING OF PLAT**

**13.1 Subdivision Annexation of Adjoining or Contiguous Properties.** All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the Village for all purposes whatsoever, upon approval and acceptance by resolution of the Village Board. (Neb. Rev. Stat. §19-916)

**13.2 Subdivision Annexation; Petition for Annexation.** Any subdivision in which there are lands dedicated to the Village or any subdivision serviced by public utilities shall be annexed to the Village. Before approval for the final plat is given, the Village Board shall receive a petition for annexation from the owners of the subdivided properties.

**13.3 Subdivision Annexation; Adoption of Plan by Resolution.** The Village Board desiring to annex land under the authority of this section shall first adopt both a resolution stating that the Village is considering the annexation of the land and a plan for extending village services to the land. The resolution shall state:

1. The time, date and location of the public hearing required below;
2. A description of the boundaries of the land proposed for annexation; and
3. That the plan of the Village for extension of village services to the land proposed for annexation is available for inspection during regular business hours in the office of the village clerk.

The plan adopted by the Village Board shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the Village for extending village services to the land proposed for annexation. The plan shall:

1. State the estimated cost impact of providing the services to such land.
2. State the method by which the Village plans to finance the extension of services to the land and how any services already provided to the land will be maintained.
3. Include a timetable for extending service to the land proposed for annexation, and
4. Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the Village, the proposed boundaries of the Village after annexation and the general land-use pattern in the land proposed for annexation.

A public hearing on the proposed annexation shall be held within 60 days following the adoption of the resolution to allow the Village Board to receive testimony from interested persons. The Board may recess the hearing, for good cause, to a time and date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in the official newspaper of the Village at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. Following passage, a copy of the resolution providing for the public hearing shall be sent by first-class mail to the school board of any school district in the land proposed for annexation.

## **SECTION 14: VARIANCES**

**14.1 Granting of Variances; Conditions.** The Village Board may grant variances from the provisions herein, but only after determining that:

1. There are unique circumstances or conditions affecting the property,
2. The variance is necessary for the reasonable and acceptable development of the property in question,
3. The granting of the variance will not be detrimental to the public welfare or injurious to the adjacent property.

**14.2 Recording of Plat.** In no case shall the requirement of filing and recording a plat for subdivision be waived.

**14.3 Planned Development.** The Village Board may also grant reasonable var-

iances, if the subdivider concurrently submits an application for and obtains approval of a planned development. The subdivider shall indicate where the plans vary from the requirements of this chapter and shall present sufficient evidence to support the request, indicating why the request will not be detrimental to the public health, safety and welfare.

## **SECTION 15: WAIVER FOR SMALL SUBDIVISIONS**

The subdivider may make application for and the Village Board may grant a waiver of some or all of the requirements provided for herein for small residential, commercial and industrial subdivisions where the following conditions exist:

1. The subdivision contains no more than four lots, which total area of said lots shall not exceed one-half acre each, and conform to existing zoning ordinances,
2. All lots of the proposed subdivisions shall be platted on existing streets,
3. Surfaces of all streets serving the subdivision meet, or exceed, street surface standards of the Village,
4. Public water, sanitary sewer, storm sewer system facilities are available to all lots in the subdivision,
5. The development of the subdivision will not increase erosion or flooding potential, and
6. The subdivider demonstrates to the Village Board that said development is in conformity with the potential development of abutting property. A subdivider requesting a waiver hereunder shall submit said request in writing to the Board prior to the submission of a preliminary plat. The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to code numbers and descriptive headings.

## **SECTION 16. PUBLIC SITES AND OPEN SPACES**

**16.1 Recreation Standards.** The Planning Commission may require that land be dedicated for parks and playgrounds or other recreation purposes. Such areas shall be shown and marked on both the preliminary and final plat, as "Dedicated for Park and/or Recreation Purpose." The developer shall dedicate all such recreation areas to the Village as a condition of final subdivision plat approval. The Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than 1 acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

**16.2 Recreation Sites.** Land reserved for recreation purposes shall be of a

character and location suitable for use as a playground, playfield, or for other recreation purposes and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one or more streets of at least 100 feet, and no other dimension of the site shall be less than 100 feet unless it is for a designated linear park. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Firth Park Board for a recommendation. All land to be reserved for dedication to the Village for park purposes shall have prior approval of the Village Board and shall be shown marked on the plat "Dedicated for Park."

**SECTION 17: AMENDMENTS.** Any provision herein from time to time may be amended, supplemented, changed, modified or repealed by the Village Board according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report and recommendations of the Planning Commission.