

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to the  
 2 Land Subdivision Ordinance by repealing Section 26.07.060 to repeal the definition of  
 3 community wastewater system; by repealing Section 26.07.123 to repeal the definition of  
 4 individual wastewater system; by amending Section 26.07.127 to define on-site wastewater  
 5 treatment system; by adding a new section 26.07.128 to define outlet; by adding a new section  
 6 numbered 26.07.240 to define wastewater works; by amending Sections 26.11.015, 26.11.038,  
 7 26.11.039, 26.11.040, and 26.27.040 to change references from community wastewater  
 8 systems and individual wastewater systems to wastewater works and on-site wastewater  
 9 treatment systems, respectively; and repealing Sections 26.07.127, 26.11.015, 26.11.038,  
 10 26.11.039, 26.11.040 and 26.27.040 of the Lincoln Municipal Code as hitherto existing.

11 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

12 Section 1. That Section 26.07.060 of the Lincoln Municipal Code be and the  
 13 same is repealed.

14 ~~26.07.060~~ — ~~Community Wastewater System.~~

15 Community wastewater system means any system, whether publicly or privately owned,  
 16 serving two or more lots, for the collection and treatment of wastewater or industrial wastes of  
 17 a liquid nature, including various devices for the treatment of such wastewater or industrial  
 18 wastes.

19 Section 2. That Section 26.07.123 of the Lincoln Municipal Code be and the  
 20 same is hereby repealed.

21 ~~26.07.123~~ — ~~Individual Wastewater System.~~

22 ~~Individual wastewater system means a wastewater system, other than a public or~~  
 23 ~~community system, which receives either human excreta or liquid waste, or both from no more~~  
 24 ~~than one lot. Included within the scope of this definition are wastewater stabilization ponds,~~  
 25 ~~septic tank soil-absorption systems, chemical-type systems, and such other types of systems~~  
 26 ~~as may be similar to those specified herein.~~

1 Section 3. That Section 26.07.127 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **26.07.127 ~~Outlot~~ On-site Wastewater Treatment System.**

4 ~~———— A parcel of real property having the same definition as a "lot" as defined hereinbefore,~~  
5 ~~but not presently designated for building or occupancy, reserved for future building or~~  
6 ~~occupancy after platting and subdivision, or reserved for open space and common facilities,~~  
7 ~~which present and proposed future use must be designated by the subdivider at the time of filing~~  
8 ~~of the initial plat.~~

9 **On-site wastewater treatment system** shall mean any system of piping, treatment  
10 devices, or other appurtenances that convey, store, treat, or dispose of wastewater on the  
11 property where it originates, or on nearby property under the control of the user, where the  
12 system is not connected to a wastewater works. All systems are limited to a maximum size of  
13 1000 gallons per day to be considered an on-site wastewater treatment system.

14 Section 4. That Chapter 26.07 of the Lincoln Municipal Code by adding a new  
15 section numbered 26.07.128 to read as follows:

16 **26.07.128 Outlot.**

17 A parcel of real property having the same definition as a "lot" as defined hereinbefore,  
18 but not presently designated for building or occupancy, reserved for future building or  
19 occupancy after platting and subdivision, or reserved for open space and common facilities,  
20 which present and proposed future use must be designated by the subdivider at the time of filing  
21 of the initial plat.

22 Section 5. That Chapter 26.07 of the Lincoln Municipal Code be amended by  
23 adding a new section numbered 26.07.240 to read as follows:

24 **26.07.240 Wastewater Works.**

25 **Wastewater works** shall mean facilities, whether public or community (private), for  
26 collecting, transporting, pumping and treating wastewater and the disposal of treated effluent  
27 and sludges.

28 Section 6. That Section 26.11.015 of the Lincoln Municipal Code be amended  
29 to read as follows:

30 **26.11.015 Administrative Plat.**

1           The Planning Director is hereby empowered to administratively approve the plat of a  
2 subdivision under the following conditions:

3           (a)     No new street or private roadway is accepted or needed within the area of the  
4 new lots, except in the sole discretion of the Planning Director, private roadways which will  
5 serve only the proposed subdivision may be accepted within industrial or commercial districts  
6 when the director is satisfied that public streets are not desirable or necessary, every lot fronts  
7 upon and takes access to the private roadway or public street, adequate internal circulation  
8 exists, city design standards for private roadways are met, and provisions have been made for  
9 the proper and continuous maintenance of the roadway in accordance with the provisions of this  
10 title.

11           (b)     Required easements for utilities, drainage, and any other improvement as found  
12 in this title shall be provided. If proper provisions for any required utility, drainage, and any other  
13 improvement as found in this title cannot be made, the administrative plat shall be disapproved.

14           (c)     The Planning Director may require the posting of bonds or an escrow or security  
15 agreement approved by the city attorney in an amount sufficient to guarantee the installation of  
16 required improvements as found in this title. Said improvements shall be completed within the  
17 same time limits as allowed for plats requiring council approval.

18           (d)     The subdivider shall submit such information as set forth in Sections 26.15.015,  
19 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.

20           (e)     Where individual water systems or on-site wastewater treatment systems are  
21 proposed to serve any of the proposed lots, the Health Department must approve the system,  
22 and all plans and information required by the Health Department shall be provided by the  
23 subdivider.

24           (f)     (1)     Prior to the approval of the administrative plat, the subdivider shall provide  
25 a statement from the County Treasurer's office showing there are no tax liens against said land  
26 within the proposed subdivision or any part thereof. The subdivider shall also provide a  
27 statement from the City Treasurer's office showing that all special assessment installment pay-  
28 ments are current as applied to said proposed subdivision or any part thereof. All taxes shall  
29 be paid in full on all real property dedicated to a public use.

30                   (2)     In the event of any proposed dedication for public use, a certificate of title  
31 or a title opinion issued to or for the benefit and protection of the city showing all parties whose

1 consent is necessary to pass clear title for the land being subdivided and dedicated, together  
2 with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form  
3 acceptable to the City Attorney. Any subsequent change affecting ownership of the proposed  
4 subdivision or any part thereof shall be made only upon the prompt notification and certification  
5 to the city of said change in ownership. The city shall assume no responsibility for any title  
6 problem with said proposed subdivision or any part thereof, and approval of said subdivision  
7 shall not be construed as approval of the title of the proposed subdivision or any part thereof.

8 (g) The administrative plat shall be in accordance with the comprehensive plan  
9 except that there shall be no dedication of land required for street right-of-way purposes under  
10 the following conditions:

11 (1) The land involved in the administrative plat has previously been subdivided  
12 or platted in accordance with the then applicable subdivision ordinances and procedures of the  
13 city.

14 (2) The maximum lot size for any one lot created by the proposed administra-  
15 tive plat does not exceed 15,000 square feet.

16 (h) The administrative plat shall be in accordance with all the development standards  
17 of this title, except that a lot may have a maximum depth of five times its width under the  
18 following conditions:

19 (1) The land involved in the administrative plat is zoned O-1, O-2, O-3, B-1,  
20 B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts;

21 (2) The minimum lot frontage of lots created by the proposed administrative  
22 plat is 100 feet or more.

23 (i) The subdivider shall submit an accurately drawn plat showing the proposed lots  
24 including the length of each lot line and its angle of deflection. Affixed to the plat shall be a  
25 certificate signed by a registered land surveyor certifying that each proposed lot has been accu-  
26 rately surveyed and that each lot corner has been well and accurately staked and marked.

27 (j) The form of the administrative plat shall be as provided in Chapter 26.19 except  
28 the approval certificate will be signed by the Planning Director and certification by Planning  
29 Commission and City Clerk will not be required.

30 (k) All land within the limits of a proposed administrative plat outside of, but adjoining  
31 or contiguous to, the corporate limits of the city must first be annexed by the council prior to

1 approval of such administrative plat if all the land lies within the future urban area as defined and  
2 delineated in the Lincoln-Lancaster County Comprehensive Plan.

3 Section 7. That Section 26.11.038 of the Lincoln Municipal Code be  
4 amended to read as follows:

5 **26.11.038 Authority to Proceed With Improvements.**

6 After submittal of a proposed preliminary plat to the City Clerk, the City Clerk shall cause  
7 the proposed preliminary plat to be placed on the agenda of the City Council for approval by the  
8 City Council by resolution. Receipt by the subdivider of approval of the preliminary plat and  
9 acceptance by the City Council shall constitute authority for the subdivider to proceed with  
10 plans, profiles, and specifications for the grading and land preparation, presentation of the final  
11 plat to the Commission, and the installation of the required improvements, except street lighting  
12 and street name signs. No person shall engage in the grading or disturbance of any land  
13 greater than two acres in size without first submitting a drainage and grading plan setting forth  
14 the requirements of the design standards applicable to stormwater management, erosion, and  
15 sedimentation control and obtaining approval of said plan. Any person who engages in the  
16 grading or disturbance of any land in violation of the provisions contained in this section shall  
17 be subject to an order to cease and desist such grading work. No utility or improvement shall  
18 be installed or constructed until the area to be developed has been graded and the subdivider's  
19 licensed surveyor or engineer has submitted a written statement with the seal of the  
20 professional to the Director of Public Works and Utilities that the grading and shaping of the land  
21 to be developed has been completed in conformance with the grading shown on the preliminary  
22 plat, the drainage study, and the final street grades. The Director of Public Works and Utilities  
23 may approve the grading, installation, and construction in phases. Also, no utility or  
24 improvement shall be installed or constructed until the plans, and if appropriate profiles and  
25 specifications, are prepared by the appropriate city department or submitted by the subdivider  
26 to the appropriate city department and other governmental agencies required by law, and  
27 approval is granted. Plans, and if appropriate profiles and specifications, for street surfacing,  
28 sidewalks, public water systems, public wastewater systems, storm drains, and drainage  
29 systems, land preparation and grading, and temporary turnarounds not prepared by the city  
30 engineering staff shall be submitted to the Department of Public Works and Utilities for approval.  
31 Plans, profiles, and specifications for community water systems and community wastewater

1 systems works shall be reviewed and approved pursuant to Section 26.11.040(d) of this title.  
2 Individual water well systems and individual on-site wastewater treatment systems shall be  
3 submitted to the City-County Health Department for approval. Plans and specifications for  
4 landscape screens and trees shall be submitted to the Planning Director for approval. Plans  
5 and specifications for electrical distribution systems and street lighting shall be prepared by the  
6 Lincoln Electric System (LES) unless the subdivider requests and receives permission from LES  
7 to use a private consulting engineer, then the plans and specifications shall be submitted to LES  
8 for approval. The plans and specifications for street name signs shall be prepared by the  
9 Department of Public Works and Utilities. The plans and specifications for the grading and land  
10 preparation, paving, street surfacing, public water system, public wastewater system works and  
11 storm drains shall be prepared by a professional engineer or architect registered in the State  
12 of Nebraska.

13 Installation of utilities and improvements may be allowed on all or a portion of the  
14 proposed subdivision prior to the approval of the final plat. Street surfacing, public water  
15 systems, public wastewater systems works, and public street lighting shall not be installed or  
16 constructed until authorized by executive order of the Mayor or ordered constructed by the city  
17 through an assessment district. Storm drainage systems shall not be installed or constructed  
18 until authorized by executive order of the Mayor.

19 The design and installation of each utility and other improvements shall be in strict  
20 accordance with the design standards for that utility or other improvement. Design standards  
21 for utilities and other improvements shall be on file with and available from the City Clerk.

22 Section 8. That Section 26.11.039 of the Lincoln Municipal Code be  
23 amended to read as follows:

24 **26.11.039 Requisites for Final Plat Approval.**

25 Before any final plat may be approved, provisions for the installation of the minimum  
26 improvements set out in Chapter 26.27 shall be made in one of the following manners:

27 (a) Improvements have been installed and approved. This is the only method avail-  
28 able for community wastewater systems works and community water systems.

29 (b) Petitions for assessment districts and if necessary formal petitions with required  
30 signatures, have been filed with the Planning Director. Such assessment districts may be  
31 created for public improvements within the corporate limits of the city at the sole option of the

1 city, and shall be used for only the completion of street paving, public water systems, public  
2 wastewater ~~systems~~ works, and street lighting. Provided, however, the approved final plat shall  
3 not be recorded in the office of the Register of Deeds until the city has created all such  
4 petitioned assessment districts.

5 (c) A bond, escrow, or security agreement approved by the City Law Department has  
6 been furnished in an amount sufficient to guarantee the installation of the required  
7 improvements.

8 (d) An agreement is signed by the subdivider guaranteeing that the improvement is  
9 completed within a time specified by the city. However, this alternative is available only for  
10 ~~individual~~ on-site wastewater treatment systems, individual water well systems, and the  
11 completion of land preparation.

12 Prior to the approval of the final plat, the appropriate city department shall estimate the  
13 cost of completing the improvements. The amount of the bonds or escrow or security  
14 agreement shall be established by the city and may be increased or decreased according to  
15 current conditions. If the amount of the bond or escrow or security agreement is less than the  
16 actual cost of the installation of the improvements, the subdivider shall be responsible for the  
17 payment of any such additional costs of the improvements. No surety bond or other security  
18 shall be accepted unless:

19 (1) It is enforceable by or payable to the city;

20 (2) It provides that any extension of time, change, alteration, or addition, which  
21 may be approved by the city for construction or completion of the improvement for which the  
22 bond is given, shall in no manner affect or relieve the obligation of the surety, regardless of  
23 whether or not the surety is given notice of any such extension of time, change, alteration, or  
24 addition;

25 (3) It cannot be terminated without written authorization of the Mayor;

26 (4) It is written by a corporate surety company authorized to do business in  
27 the State of Nebraska, or approved security deposits have been made to an institution licensed  
28 to do business in the State of Nebraska; and

29 (5) It is a form with surety and conditions approved by the City Attorney.

30 Section 9. That Section 26.11.040 of the Lincoln Municipal Code be amended  
31 to read as follows:

1       **26.11.040   Installation of Improvements.**

2               Improvements shall be installed as follows:

3               (a)     Sidewalks within streets and those trees not included in a landscape screen  
4               within four years of final plat approval; provided, however, when sidewalks have been con-  
5               structed on seventy percent or more of the frontage along a major street between two street  
6               intersections, the remaining sidewalk therein shall be constructed.

7               (b)     Sidewalks within pedestrian ways at the same time the adjacent streets in the  
8               final plat are surfaced.

9               (c)     Street lights on the side of the streets and private roadways which abut the sub-  
10              division, land preparation, and landscape screens within the period established by the city.

11              (d)     Community wastewater ~~systems~~ works and community water systems  
12              constructed and approved as specified below prior to final plat approval. The wastewater  
13              treatment and discharge system and the water supply, collection, treatment, and storage shall  
14              be constructed to the satisfaction of the State of Nebraska. The wastewater collection system  
15              and the water distribution system shall be constructed to the satisfaction of the Director of Public  
16              Works and Utilities. The Director of Public Works and Utilities may as an option accept a  
17              certification from a registered professional engineer that the wastewater collection system and  
18              the water distribution system was completed in accordance with the City of Lincoln design  
19              standards..

20              (e)     ~~Individual~~ On-site wastewater treatment systems and individual water well  
21              systems shall be completed in accordance with the rules and regulations of the Health Depart-  
22              ment at the time improvements are constructed on the lot.

23              (f)     All other improvements listed in Chapter 26.27 within the period established by  
24              the city not exceeding two years from final plat approval.

25              Whenever twenty-five, fifty, or seventy-five percent or more of the value of any required  
26              improvement, except street trees and landscape screens, within the final plat has been  
27              completed, the penal amount of the original bond or other security required for said  
28              improvement may be reduced by twenty-five, fifty, and seventy-five percent, respectively;  
29              provided that such reduction does not reduce the penal amount of the bond or other security  
30              to an amount less than one hundred ten percent (110%) of the estimated cost of the work  
31              remaining to be completed.

1                   Section 10. That Section 26.27.040 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **26.27.040   Wastewater Disposal.**

4                   (a)    All subdivisions within the corporate limits of the city or within the future urban  
5 area designated in the comprehensive plan shall have a wastewater collection system  
6 constructed in accordance with the design standards of the city. All subdivisions located within  
7 the corporate limits of the city must connect to the city wastewater collection system if the  
8 system is reasonably accessible. The city wastewater collection system shall be extended to  
9 enable each lot to make a connection in accordance with Titles 17 and 24 of the Lincoln  
10 Municipal Code. The community wastewater ~~collection system~~ works shall be extended to  
11 enable each lot not having reasonable access to the city wastewater collection system to make  
12 a connection to a community wastewater ~~system~~ works. However, as soon as the city  
13 wastewater collection system is available, each lot shall be connected to the city wastewater  
14 collection system.

15                   (b)    In any subdivision beyond the city limits or the future urban area as designated  
16 in the comprehensive plan, where more than four lots of three acres in size or less are created  
17 for building purposes, a community wastewater ~~system~~ works shall be constructed to serve all  
18 the lots within the subdivision.

19                   (c)    In any subdivision, other than those designated in Section 26.27.040(b), located  
20 beyond the city limits or the future urban areas as designated in the comprehensive plan,  
21 ~~individual on-site~~ wastewater treatment systems may be permitted if each disposal system is  
22 in conformance with Chapter 24.38 of this code and is approved by the City-County Health  
23 Department.

24                   (d)    In any subdivision where a community wastewater ~~system~~ works is required, the  
25 subdivider, his successors and assigns, shall enter into an agreement with the city, whereby the  
26 operation and maintenance of the community wastewater ~~system~~ works shall be in compliance  
27 with the rules and regulations of wastewater treatment works of the state of Nebraska, a  
28 discharge permit has been received from the State of Nebraska, and the operator of the system  
29 has been trained to operate the system and possesses a certificate of competency issued by  
30 the State of Nebraska.

1                   Section 11. That Sections 26.07.127, 26.11.015, 26.11.038, 26.11.039,  
2 26.11.040, and 26.27.040 of the Lincoln Municipal Code as hitherto existing be and the same  
3 are hereby repealed.

4                   Section 12. That this ordinance shall take effect and be in force from and after  
5 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

\_\_\_\_\_

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_,  
2002:

\_\_\_\_\_

\_\_\_\_\_  
Mayor