

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to
2 subdivisions by amending Section 26.11.060 to modify when an application for a final plat shall
3 automatically expire and become null and void; amending Section 26.15.020 to delete the requirement
4 that an aerial photograph from the Lancaster County soil survey maps designating soil types and an
5 explanation on how (1) the engineering properties, and (2) the physical chemical and water properties
6 of the soil will affect the proposed development to be included with the preliminary plat and further
7 deleting the requirement for a certification from a geotechnical engineer that the soil data supplied is still
8 appropriate if the grading plan shows more than a five-foot cut on a significant part of the area or a large
9 number of basements are anticipated; and repealing Sections 26.11.060 and 26.15.020 of the Lincoln
10 Municipal Code as hitherto existing.

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

12 Section 1. That Section 26.11.060 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **26.11.060 Action Required on Final Plat.**

15 (a) Upon receipt of the final plat, the Planning Director shall cause copies of the proposed
16 final plat and accompanying documents to be distributed to the Director of Public Works and Utilities
17 and other city departments and governmental agencies who are directly concerned with the subdivision.

18 (b) Each department or governmental agency which is directly concerned with the proposed
19 subdivision shall, within ten days from receipt of a copy of the final plat, file with the Planning Director
20 its approval of said plat or a report indicating in what manner such final plat does not conform to the

1 requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over
2 which such department has administrative responsibility.

3 (c) Within fifteen days from receipt of all the above reports, the Planning Director shall
4 notify the subdivider in writing of the recommended approval, conditional approval or disapproval of
5 the final plat based upon a review of the recommendations of the various departments and the Director's
6 own review of the design of the subdivision. If the Director finds that the final plat should be
7 conditionally approved, the notification shall set forth all conditions of approval and the amount of all
8 bonds or escrow of security agreements necessary to insure installation of all required improvements.
9 The Planning Director shall also furnish the subdivider a subdivision agreement to be executed by the
10 subdivider wherein the subdivider agrees to comply with all conditions of approval and further agrees
11 to construct the required improvements as provided therein. Upon satisfaction of all conditions of
12 approval set forth in the Director's letter including, but not limited to, receipt of the fully executed
13 subdivision agreement and acceptance of the required sureties by the Law Department, the Planning
14 Director shall sign the final plat, thereby indicating that the final plat has been approved and it
15 substantially conforms to the approved preliminary plat and the requirements of this title at the time of
16 approval of the preliminary plat and that all approved offers of dedication are accepted. If the final plat
17 does not substantially conform to the approved preliminary plat, the Planning Director shall disapprove
18 the final plat.

19 (d) Except for those plats that meet the requirements of Section 26.11.050(b), any council
20 member or aggrieved person may appeal any action of the Planning Director to the Planning
21 Commission, and any decision of the Planning Commission to the City Council by filing notice of an
22 appeal within fourteen days following the action being appealed. The appeal of the Planning Director's
23 action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed

1 with the City Clerk. Upon receipt of the appeal, the Planning Commission or City Council as
2 appropriate shall hold a public hearing thereon within thirty days from the date of the appeal. Notice
3 of public hearing shall be given as provided in Section 26.11.036. In exercising its appellate
4 jurisdiction, the action appealed from shall be deemed advisory and the Planning Commission or City
5 Council may make such decision as ought to be made. If the Planning Commission approves a final plat
6 and its action is not appealed to the City Council, the final plat shall be signed by the chairman of the
7 commission. If the City Council approves a final plat after the appeal of the denial of such a plat by the
8 commission, no further action shall be required by the commission to approve such a plat. After
9 approval thereof by the City Council, the plat shall be returned to the Planning Department for signing
10 by the chairman of the commission. Thereafter, such plat shall be processed in accordance with the
11 procedures set forth in Section 26.11.070.

12 All existing applications for a final plat shall automatically expire and become null and void one
13 year after submission of the application or sixty days after the date of this ordinance (Bill No. 08-39),
14 whichever is longer, if the subdivider by said date has failed to satisfy all the conditions of approval set
15 forth in the Planning Director's letter.

16 All applications for a final plat submitted after the date of this ordinance (Bill No. 08-39) shall
17 automatically expire and become null and void one year thereafter if the subdivider by said date has
18 failed to satisfy all the conditions of approval set forth in the Planning Director's letter.

19 All existing applications for a final plat appeals which have been placed on pending by a before
20 the Planning Commission or City Council at the request of the subdivider shall automatically expire and
21 become null and void one year after the date of this ordinance (Misc. No. 06012 Bill No. 07-33). All
22 such applications for a final plat appeals which have been are placed on pending by a before the
23 Planning Commission or City Council at the request of the subdivider after the date of this ordinance

1 (~~Misc. No. 06012~~ Bill No. 07-33) shall automatically expire and become null and void one year
2 thereafter.

3 At least thirty days before the date of expiration, the Planning Director shall cause notice of
4 expiration to be sent to the subdivider by regular United States mail, postage prepaid. Said notice shall
5 advise the subdivider that the application shall automatically expire unless prior to the expiration date,
6 ~~all conditions of the Planning Director's letter have been accomplished and the final plat is approved~~
7 by the Planning Director as provided in (c) above, or the Planning Director receives a request from the
8 subdivider to remove ~~any~~ the appeal of the final plat from any action of the Planning Director or
9 Planning Commission pending before the Planning Commission or City Council, respectively, and
10 reschedule the matter on the Planning Commission or City Council agenda as appropriate.

11 Section 2. That Section 26.15.020 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **26.15.020 Information on or Accompanying a Preliminary Plat.**

14 The following required information shall be identified and shown on the preliminary plat or on
15 accompanying sheets:

16 (a) Centerline profiles in NAVD 1988 of all existing and proposed streets and private
17 roadways within and adjacent to the subdivision. The profile shall show points of intersection with all
18 other streets and private roadways, stationing, the existing ground surface elevations, the proposed street
19 grades, the length of vertical curves between changes in grade, and the profiles and horizontal alignment
20 of temporary dead-end streets extending 300 feet beyond the limits of the subdivision.

21 (b) A drainage study in NAVD 1988 (when utilizing NGVD based flood elevations from
22 FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more

1 accurate conversion factor using an established conversion program is demonstrated to the satisfaction
2 of the Director of Public Works and Utilities) shall include the following:

3 (1) A topographic map showing the drainage area and resulting runoff from all land
4 lying outside the limits of the preliminary plat which discharges storm water runoff into or through the
5 plat.

6 (2) A topographic map showing proposed contour lines and all sub-drainage areas
7 and resulting runoff within the limits of the preliminary plat.

8 (3) Directional flow arrows for surface drainage along all lot lines where:

9 (i) The flow from one acre or more discharges along a
10 common lot line; and

11 (ii) The finished grade of the lot is proposed to be two
12 percent or less.

13 The drainage study map shall provide sufficiently detailed information to determine the proposed slope
14 along all lot lines.

15 (4) The size and location of the pipes, ditch liners, and other drainage facilities
16 required to adequately drain the subdivision.

17 (5) A copy of the drainage computations.

18 (6) The elevation and limits of a flood from a 100-year storm along and adjacent to
19 all open drainage channels.

20 (7) The elevation and limits of flow routes necessary to provide overland runoff
21 capacity through and along the storm drain system for the 100-year storm without flooding building
22 areas.

1 (8) The elevations of any building or structure along flow routes indicating that no
2 opening in the building or structure is subject to flooding at the post development flow route elevations.

3 (9) The location of easements for minimum flood corridors in the Existing Urban
4 Area delineated along all channels which do not have a delineated floodplain and which drain an area
5 equal to or greater than 150 acres or have a defined bed and bank. Minimum corridor preservation and
6 mitigation for allowed encroachments shall be in conformance with Chapter 2.05 (Stormwater Drainage
7 Design Standards) of the City of Lincoln Design Standards. Easements shall be in conformance with
8 Section 26.23.120, “Easements,” of the development standards for this title.

9 (10) The location of easements for minimum flood corridors in New Growth Areas
10 delineated along all channels which drain an area equal to or greater than 150 acres or have a defined
11 bed and bank. Minimum corridor preservation and mitigation for allowed encroachments shall be in
12 conformance with Chapter 2.05 (Stormwater Drainage Design Standards) of the City of Lincoln Design
13 Standards. If the minimum flood corridor is in the floodplain or floodprone area, it shall be preserved
14 in conformance with the Flood Design Criteria. Easements shall be in conformance with Section
15 26.23.120, “Easements,” of the development standards for this title. Minimum flood corridors centered
16 on the channel and delineated along all channels which are outside the FEMA-delineated flood plain
17 and drain an area equal to or greater than 150 acres.

18 (11) The location of proposed stormwater detention/retention facilities.

19 (12) A copy of the supporting calculations for the provision to limit the peak rate of
20 storm water discharged.

21 (c) The location, size, and common name of all existing trees within and adjacent to the
22 subdivision. The location of the trees may be shown on an aerial photograph with the proposed streets
23 and lots accurately shown thereon. All existing trees which measure three inches or more in caliper five

1 feet above the ground shall be shown and each tree identified with its common name. However, if five
2 or more trees are located so that each is within approximately ten feet of the edge of another tree, they
3 may be considered a tree mass and the outline of the tree mass shall be shown, with a list of the common
4 name of the trees which are within the tree mass and their general grouping. If this procedure is fol-
5 lowed, the individual location of each tree within the tree mass is not necessary. An indication shall be
6 made on the map showing which trees or tree masses are to remain and which trees or tree masses are
7 to be removed. Trees, shrubs and other vegetation within minimum flood corridors shall be preserved
8 to the maximum extent possible. Those trees, shrubs, and other vegetation within minimum flood
9 corridors which cannot be preserved shall be shown on the plans to be mitigated at a minimum 1.5-to-1
10 ratio in accordance with Chapter 2.05 (Stormwater Drainage Design Standards) of the City of Lincoln
11 Design Standards and Flood Design Criteria. Trees and shrubs utilized for mitigation purposes shall
12 meet the standards for planting size and method listed in the City of Lincoln's Plant Material List of
13 August, 1986.

14 (d) A vicinity sketch showing the general location of the preliminary plat in relation to
15 existing streets, section lines, and city limits.

16 (e) ~~An aerial photograph from the Lancaster County soil survey maps designating soil types~~
17 ~~with the land area of the preliminary plat outlined. Accompanying the map there shall be an explanation~~
18 ~~on how (1) the engineering properties, and (2) the physical, chemical, and water properties of the soil~~
19 ~~will affect the proposed development. Should the grading plan show more than a five foot cut on any~~
20 ~~significant part of the area or a large number of basements are anticipated, a geotechnical engineer or~~
21 ~~a professional geologist shall certify that the soil data supplied from the soil survey maps is still~~
22 ~~appropriate. If the soil survey maps are not appropriate, a subsurface investigation shall be performed~~
23 ~~and an explanation on how the soil properties will affect the development shall be submitted.~~

1 ~~(f)~~ Notwithstanding (a) and (b) above, centerline profiles and the drainage study submitted
2 before March 1, 2000 may be in either city datum or NAVD 1988.

3 Section 3. That Sections 26.11.060 and 26.15.020 of the Lincoln Municipal Code as
4 hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2008: _____ Mayor
