

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to the
2 Land Subdivision ordinance by amending Section 26.11.037 to eliminate the provision that a
3 preliminary plat shall only be effective for a period of ten years from the date of the City's approval;
4 by amending Section 26.11.038 to provide provisions regarding the installment or construction of
5 utilities within the Acreage Development Component of a community unit plan located in the BTA
6 Overlay District; by adding a new section numbered 26.15.050 to require a transitional preliminary
7 plat for the future conversion of the Acreage Development Component and development of the
8 Urban Reserve Component for community unit plans within the BTA Overlay District and to
9 delineate required information to be shown on the transitional preliminary plat; by adding a new
10 section numbered 26.23.122 to require easements and dedications for future use of land for streets
11 and public utilities under the future conversion of the Acreage Development Component of a
12 community unit plan to be included as part of any final plat for the original development of the
13 Acreage Development Component; and repealing Sections 26.11.037 and 26.11.038 of the Lincoln
14 Municipal Code as hitherto existing.

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

16 Section 1. That Section 26.11.038 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **26.11.037 Commission Action on Preliminary Plat.**

19 If after public hearing the commission finds the proposed preliminary plat complies with the
20 requirements of this title, it shall approve the preliminary plat. The approval of the preliminary plat
21 shall not constitute authority for the subdivider to sell the individual lots.

22 If a governmental agency, other than the city, which is directly concerned with the proposed
23 subdivision with respect to schools, parks, playgrounds, fire stations, libraries, and other common

1 areas for public use, failed to file with the Planning Director its approval of or a report on the
2 preliminary plat, the commission may withhold its approval or disapproval of the preliminary plat
3 until such agency's approval or report is filed.

4 If after public hearing the commission finds that the proposed preliminary plat does not
5 satisfy the requirements of this title, it shall specify in writing in the minutes of the hearing the
6 objections to the proposed preliminary plat. The commission may disapprove or approve the
7 proposed preliminary plat upon the condition that the subdivider makes specific changes in the
8 proposed preliminary plat which will remove the objections and bring the proposed preliminary plat
9 into compliance with this title.

10 The action and findings of the Commission on the preliminary plat after public hearing shall
11 be filed with the City Clerk, and the person offering the proposed preliminary plat within seven days
12 from the action by the Planning Commission. One copy of the proposed preliminary plat and
13 findings shall be retained by the commission as part of its official records.

14 The subdivider, any council member, the Planning Director, the Public Works and Utilities
15 Director, or any aggrieved person may appeal any action of the commission to the City Council by
16 filing notice of appeal with the City Clerk within fourteen days following the action by the Planning
17 Commission.

18 ~~The preliminary plat shall only be effective for a period of ten years from the date of the~~
19 ~~city's approval, and shall be of no force or effect thereafter.~~ If any final plat on all or a portion of
20 the approved preliminary plat is submitted five years or more after the effective date of the prelimi-
21 nary plat, the city may require that a new preliminary plat be submitted, pursuant to all the provisions
22 of this chapter. A new preliminary plat may be required if the subdivision ordinance, the design
23 standards, or the required improvements have been amended by the city; and as a result, the
24 preliminary plat as originally approved does not comply with the amended rules and regulations.

1 Section 2. That Section 26.11.038 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **26.11.038 Authority to Proceed With Improvements.**

4 Receipt by the subdivider of final approval of the preliminary plat shall constitute authority
5 for the subdivider to proceed with plans, profiles, and specifications for the grading and land
6 preparation, submission of the final plat, and the installation of the required improvements, except
7 street lighting and street name signs. No person shall engage in the grading or disturbance of any
8 land one acre or greater in size without first submitting a drainage and grading plan setting forth the
9 requirements of the design standards applicable to stormwater management, erosion, and
10 sedimentation control and obtaining approval of said plan. Any person who engages in the grading
11 or disturbance of any land in violation of the provisions contained in this section shall be subject to
12 an order to cease and desist such grading work. No utility or improvement shall be installed or
13 constructed until the area to be developed has been graded and the subdivider's licensed surveyor
14 or engineer has submitted a written statement with the seal of the professional to the Director of
15 Public Works and Utilities that the grading and shaping of the land to be developed has been
16 completed in conformance with the grading shown on the preliminary plat, the drainage study, and
17 the final street grades. In addition, no utility or improvement shall be installed or constructed within
18 the Acreage Development Component of a community unit plan located in the BTA Overlay District
19 until the entire area of the Acreage Development Component has been graded and the subdivider's
20 licensed surveyor or engineer has submitted a written statement with the seal of the professional to
21 the Director of Public Works and Utilities that the grading and shaping of all the land within the
22 Acreage Development Component has been completed in conformance with the grading shown on
23 the transitional preliminary plat, the drainage study and the final street grades. In addition, if the
24 community unit plan is located in an area designated as Tier I in the Comprehensive Plan, streets and
25 drainage for the transitional preliminary plat shall be rough graded as shown on the transitional
26 preliminary plat, the drainage study and final street grades. If the community unit plan is located in

1 an area designated as Tier II or Tier III in the Comprehensive Plan, no grading is required for the
2 future conversion of the Acreage Development Component to higher urban density under the
3 transitional preliminary plat. The Director of Public Works and Utilities may approve the grading,
4 installation, and construction in phases. Also, no utility or improvement shall be installed or
5 constructed until the plans, and if appropriate profiles and specifications, are prepared by the
6 appropriate city department or submitted by the subdivider to the appropriate city department and
7 other governmental agencies required by law, and approval is granted. Plans, and if appropriate
8 profiles and specifications, for street surfacing, sidewalks, public water systems, public wastewater
9 works, storm drains, and drainage systems, land preparation and grading, and temporary turnarounds
10 not prepared by the city engineering staff shall be submitted to the Department of Public Works and
11 Utilities for approval. Plans, profiles, and specifications for community water systems and
12 community wastewater works shall be reviewed and approved pursuant to Section 26.11.040(d) of
13 this title. Individual water well systems and on-site wastewater treatment systems shall be submitted
14 to the City-County Health Department for approval. Plans and specifications for landscape screens
15 and trees shall be submitted to the Planning Director for approval. Plans and specifications for
16 electrical distribution systems and street lighting shall be prepared by the Lincoln Electric System
17 (LES) unless the subdivider requests and receives permission from LES to use a private consulting
18 engineer, then the plans and specifications shall be submitted to LES for approval. The plans and
19 specifications for street name signs shall be prepared by the Department of Public Works and
20 Utilities. The plans and specifications for the grading and land preparation, paving, street surfacing,
21 public water system, public wastewater works and storm drains shall be prepared by a professional
22 engineer or architect registered in the State of Nebraska.

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

1 Storm drainage systems shall not be installed or constructed until authorized by executive order of
2 the Mayor.

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

6 Section 3. That Chapter 26.15 of the Lincoln Municipal Code be amended by adding
7 a new section numbered 26.15.050 to read as follows:

8 **26.15.050 CUP Developments Within the BTA Overlay District.**

9 For community unit plan developments within the BTA Build Through Acreage Overlay
10 District, a transitional preliminary plat for the conversion of the Acreage Development Component
11 and the future development of the Urban Reserve Component to higher urban residential density with
12 the future extension of urban services and annexation to the City of Lincoln shall be submitted as
13 part of the preliminary plat submission for the Acreage Development Component. The transitional
14 preliminary plat shall be drawn over the base of the preliminary plat or shown on accompanying
15 pages to the preliminary plat and shall be incorporated into the preliminary plat approval process.

16 The following information shall be shown on the transitional preliminary plat:

17 (a) Final lot lines that may be implemented with the extension of urban infrastructure and
18 annexation to the City.

19 (b) The location and layout of any future streets not dedicated and improved as part of the
20 community plan, but needed in the future to implement the transitional preliminary plat.

21 (c) Easement locations for future utilities and stormwater drainage. These easements shall
22 also be included on the preliminary and final plats of the community unit plan.

1 (d) Building envelopes necessary to provide adequate setbacks to implement the transitional
2 preliminary plat.

3 Section 4. That Chapter 26.23 of the Lincoln Municipal Code be amended by adding
4 a new section numbered 26.23.122 to read as follows:

5 **26.23.122 Easements and Dedications in Final Plats of Land Zoned BTA Overlay District.**

6 In addition to the easement provisions of Section 26.23.120, blanket easements or other
7 effective methods of reserving rights for future use of land for streets and public utilities shall be
8 included as part of any final plat for the Acreage Component of a community unit plan located in the
9 BTA Overlay District. In addition, easements or dedications shall be provided for corridors or other
10 lands designated in the transitional preliminary plat for future streets, infrastructure, or utility
11 extensions.

12 Section 5. That Sections 26.11.037 and 26.11.038 of the Lincoln Municipal Code
13 as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor