

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code, the Land
2 Subdivision Ordinance, to update and streamline provisions by amending Section 26.07.135 to revise
3 the definition of outlot; amending Section 26.07.145 to revise the definition of private roadways to
4 allow private roadways in planned unit developments; amending Section 26.07.190 to revise the
5 definition of major street to only include those streets shown in the comprehensive plan as arterials;
6 repealing Section 26.11.020; amending Section 26.11.030 to require the Planning Director to
7 distribute copies of preliminary plats and accompanying data to departments and governmental
8 agencies for review and to reduce departmental or governmental agency review of preliminary plats
9 from fifteen days to ten days; amending Section 26.11.032 to add provisions for filing preliminary
10 plats and scheduling hearings before the Planning Commission and repealing the provision requiring
11 the subdivider to provide a written response to the Planning Director's recommendation on the
12 preliminary plat; repealing Section 26.11.033 relating to modification of the preliminary plat
13 procedures; amending Section 26.11.036 to delete a reference to repealed Section 26.11.033;
14 amending Section 26.11.038 to provide that approval of the preliminary plat also allows the
15 subdivider to proceed with the installation of street lighting and street name signs; amending Section
16 26.11.039 to modify the requisites for final plat approval with respect to the installation of
17 improvements or provision for their installation; amending Section 26.11.040 to modify the timing
18 for the installation of improvements; amending Section 26.11.060 to reduce departmental or
19 governmental agency review of final plats from fifteen days to ten days; amending Section 26.11.110
20 to repeal provisions requiring the subdivider to be responsible for the equivalent cost of local street
21 paving in a major street and deleting the annotation appearing in the Lincoln Municipal Code
22 following Section 26.11.110; amending Section 26.15.015 to require that the proposed use of an
23 outlot be designated on the preliminary plat; amending Section 26.19.031 to require that the
24 proposed use of an outlot be designated on the final plat and to require that a 2 1/2" x 6 1/2" blank

1 space be left at the top of the first page of the final plat; amending Section 26.19.035 to require the
2 notation on the final plat of the certified landscaper selected to install street trees; amending Section
3 26.23.140 to provide a minimum lot depth for double frontage lots abutting a major street; amending
4 Section 26.23.170 to provide provisions for the permanent maintenance of private improvements;
5 amending Section 26.27.005 to provide that the Planning Director may waive the minimum
6 improvements required in a subdivision when there are no additional lots created; amending Section
7 26.31.015 to authorize the approval of a CUP, PUD, special permit, or use permit to vary or modify
8 the requirements of the Land Subdivision ordinance so as to permit the coordinated development of
9 a subdivision and community unit plan, planned unit development, special permit, or use permit; and
10 repealing Sections 26.07.135, 26.07.145, 26.07.190, 26.11.030, 26.11.032, 26.11.036, 26.11.038,
11 26.11.039, 26.11.040, 26.11.060, 26.11.110, 26.15.015, 26.19.031, 26.26.19.035, 26.23.140,
12 26.23.170, 26.27.005, and 26.31.015 of the Lincoln Municipal Code as hitherto existing.

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

14 Section 1. That Section 26.07.135 of the Lincoln Municipal Code be amended to read
15 as follows:

16 **26.07.135 Outlot.**

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

22 Section 2. That Section 26.07.145 of the Lincoln Municipal Code be amended to read
23 as follows:

24 **26.07.145 Private Roadway.**

25 Private roadway shall mean a designated area on an approved special permit, use permit,
26 planned unit development, or subdivision, that is privately owned and that is used or intended to be
27 used for the principal purpose of serving as vehicular access to abutting property.

1 Section 3. That Section 26.07.190 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **26.07.190 Major Street.**

4 Major street shall mean a street, ~~freeway, expressway and arterial, as shown in the~~
5 ~~comprehensive plan as described in Chapter F, Future Conditions, Mobility and Transportation, of~~
6 the comprehensive plan as an arterial.

7 Section 4. That Section 26.11.020 of the Lincoln Municipal Code be and the same
8 is hereby repealed.

9 ~~**26.11.020 Filing Preliminary Plat With Planning Director.**~~

10 ~~—— Except as provided in Section 26.11.050(b), a preliminary plat shall be required for all~~
11 ~~subdivisions. The subdivider shall file with the Planning Director copies of the preliminary plat in~~
12 ~~the form hereinafter provided, together with copies of the owners' statement and accompanying data,~~
13 ~~the number of copies to be determined by the Planning Director. The time of filing such preliminary~~
14 ~~plat shall be the time said plat and accompanying data is received in the Planning Director's office.~~
15 ~~The Planning Director shall distribute copies of the preliminary plat and owners' statement and~~
16 ~~accompanying data to other city departments and governmental agencies who are directly concerned~~
17 ~~with the proposed subdivision. When a change of zone, special permit, use permit, or planned unit~~
18 ~~development is required, such application shall accompany the filing of the preliminary plat.~~

19 Section 5. That Section 26.11.030 of the Lincoln Municipal Code be amended to read as
20 follows:

21 **26.11.030 Staff Review of Preliminary Plat.**

22 The following shall be the method of processing preliminary plats:

23 (a) The Planning Director shall distribute copies of the preliminary plat and accom-
24 panying data to other city departments and governmental agencies who are directly concerned with
25 the proposed subdivision. Each department or governmental agency which is directly concerned
26 with the proposed subdivision shall, within ~~fifteen~~ ten days from receipt of a copy of the preliminary
27 plat and accompanying data, file with the Planning Director its approval of said plat or a report
28 indicating in what manner such preliminary plat does not conform to the requirements of this title

1 and all other rules, regulations, and standards adopted pursuant to this title over which such
2 department has administrative responsibility. ~~The preparer of any report not timely filed with the~~
3 ~~Planning Director shall file such report with the Planning Director, forward such report to the~~
4 ~~subdivider, and submit such report to the Planning Commission with a statement explaining the~~
5 ~~reasons for the delay in the filing of the required report.~~

6 ~~——(b)—— Within thirty days from the filing of the preliminary plat, the Planning Director shall~~
7 ~~notify the subdivider in writing of the recommended approval, conditional approval, or disapproval~~
8 ~~of the preliminary plat based upon a review of the recommendations of the various departments and~~
9 ~~the director's own review of the design of the subdivision, and shall designate the improvements~~
10 ~~which will be required under the provisions of this title before approval of the preliminary plat is~~
11 ~~granted.~~

12 ~~——(c)—— If the recommendation is for conditional approval or disapproval, the Planning~~
13 ~~Director shall submit to the subdivider a statement of the reasons for such recommendation and~~
14 ~~indicate the revisions necessary to secure a recommendation of approval. One copy of the~~
15 ~~preliminary plat together with a copy of the Planning Director's statement shall be permanently filed~~
16 ~~in the Planning Department. A copy of the Planning Director's statement shall be distributed to~~
17 ~~various departments and governmental agencies as necessary.~~

18 ~~——(d)—— The approval or conditional approval of the preliminary plat by the Planning Director~~
19 ~~does not constitute an approval of the subdivision.—~~

20 Section 6. That Section 26.11.032 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **26.11.032 Filing Preliminary Plat for Planning Commission Hearing.**

23 Following the recommendation of the Planning Director, the subdivider shall file a written
24 response indicating agreement or disagreement with the revisions necessary to secure a
25 recommendation of approval and file as many copies of the preliminary plat as determined by the
26 Planning Director for hearing by the Planning Commission. The response and preliminary plat are
27 to be submitted at least five Mondays before the Planning Commission meeting.

1 Except as provided in Section 26.11.050(b), a preliminary plat shall be required for all
2 subdivisions. The subdivider shall file with the Planning Director copies of the preliminary plat in
3 the form hereinafter provided, together with copies of the owners' statement and accompanying data,
4 the number of copies to be determined by the Planning Director. The preliminary plat shall be
5 deemed filed on the date said plat and accompanying data is received in the Planning Director's
6 office. When a change of zone, special permit, use permit, or planned unit development is required,
7 such application shall accompany the filing of the preliminary plat.

8 The preliminary plat may be scheduled for a hearing by the Planning Commission provided:

9 (a) The subdivider files a complete preliminary plat as required in Section 26.15.020
10 at least four Thursdays prior to the Planning Commission meeting; and

11 (b) The Planning Director determines that the preliminary plat substantially complies
12 with the requirements of this title and adopted design standards.

13 However, no hearing shall be held by the Planning Commission until notice of said hearing has been
14 given as provided in Section 26.11.036.

15 Section 7. That Section 26.11.033 of the Lincoln Municipal Code be and the same
16 is hereby repealed.

17 ~~**26.11.033 — Modification of Procedures.**~~

18 ~~—— The procedures prescribed in Sections 26.11.030 and 26.11.032 may be modified to provide~~
19 ~~that the preliminary plat may be directly scheduled for a hearing by the Planning Commission;~~
20 ~~provided:~~

21 ~~—— (a) — The subdivider files the preliminary plat as required in Section 26.11.020 at least~~
22 ~~seven Mondays prior to the Planning Commission meeting;~~

23 ~~—— (b) — Said filing is accompanied by a request that the procedure be modified; and~~

24 ~~—— (c) — The Planning Director determines that the preliminary plat substantially complies~~
25 ~~with the requirements of this title and adopted design standards.~~

26 ~~—— However, no hearing shall be held by the Planning Commission until notice of said hearing~~
27 ~~has been given as provided in Section 26.11.036. ——~~

1 Section 8. That Section 26.11.036 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **26.11.036 Hearing on Preliminary Plat.**

4 Hearing on the preliminary plat shall be held before the commission at a regular meeting
5 following completion by the subdivider of the procedures in Sections 26.11.030; and 26.11.032; ~~or~~
6 ~~26.11.033~~. However, no hearing shall be held by the commission until:

7 (a) A notice of the time and place of the hearing is printed in a daily newspaper of general
8 circulation within the county at least eight days prior to the date of the hearing;

9 (b) A notice shall be posted in a conspicuous place on or near the property being
10 subdivided, stating that the commission will hold a hearing on the proposal to subdivide the property.
11 Said notice shall be posted at least eight days in advance of the hearing. It shall be unlawful for any
12 person to remove, mutilate, destroy, or change the posted notice prior to the hearing time; and

13 (c) The Planning Director shall cause notice of the preliminary plat to be sent to the
14 record owners of property located within 200 feet of the property upon which action is pending when
15 such owners' property is located within the corporate limits of the city and to the record owners of
16 property within one-fourth mile of the property upon which action is pending when such owners'
17 property is located outside the corporate limits of the city at the address as it appears on the last
18 equalized assessment roll of the county or as known to the Planning Director. The notice shall be
19 sent by regular United States mail, postage prepaid, at least ten days before the Planning Commis-
20 sion's first public hearing; provided that no decision or recommendation which the commission is
21 required to make shall be void or invalidated or affected in any way, for any irregularity, defect,
22 error, or failure on the part of the Planning Director to cause notice to be given to each owner of
23 record.

24 Section 9. That Section 26.11.038 of the Lincoln Municipal Code be amended to read
25 as follows:

1 **26.11.038 Authority to Proceed With Improvements.**

2 ~~Receipt by the subdivider of final a~~Approval of the preliminary plat shall constitute authority
3 for the subdivider to proceed with plans, profiles, and specifications for the grading and land
4 preparation, submission of the final plat, and the installation of ~~the~~ all required improvements, ~~except~~
5 ~~street lighting and street name signs~~. No person shall engage in the grading or disturbance of any
6 land one acre or greater in size without first submitting a drainage and grading plan setting forth the
7 requirements of the design standards applicable to stormwater management, erosion, and
8 sedimentation control and obtaining approval of said plan. Any person who engages in the grading
9 or disturbance of any land in violation of the provisions contained in this section shall be subject to
10 an order to cease and desist such grading work. No utility or improvement shall be installed or
11 constructed until the area to be developed has been graded and the subdivider's licensed surveyor or
12 engineer has submitted a written statement with the seal of the professional to the Director of Public
13 Works and Utilities that the grading and shaping of the land to be developed has been completed in
14 conformance with the grading shown on the preliminary plat, the drainage study, and the final street
15 grades. In addition, no utility or improvement shall be installed or constructed within the Acreage
16 Development Component of a community unit plan located in the BTA Overlay District until the
17 entire area of the Acreage Development Component has been graded and the subdivider's licensed
18 surveyor or engineer has submitted a written statement with the seal of the professional to the
19 Director of Public Works and Utilities that the grading and shaping of all the land within the Acreage
20 Development Component has been completed in conformance with the grading shown on the
21 transitional preliminary plat, the drainage study and the final street grades. The Director of Public
22 Works and Utilities may approve the grading, installation, and construction in phases. Also, no
23 utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and
24 specifications, are prepared by the appropriate city department or submitted by the subdivider to the
25 appropriate city department and other governmental agencies required by law, and approval is
26 granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks, public
27 water systems, public wastewater works, storm drains, and drainage systems, land preparation and

1 grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted to
2 the Department of Public Works and Utilities for approval. Plans, profiles, and specifications for
3 community water systems and community wastewater works shall be reviewed and approved
4 pursuant to Section 26.11.040(d) of this title. Individual water well systems and on-site wastewater
5 treatment systems shall be submitted to the City-County Health Department for approval. Plans and
6 specifications for landscape screens and trees shall be submitted to the Planning Director for
7 approval. Plans and specifications for electrical distribution systems and street lighting shall be
8 prepared by the Lincoln Electric System (LES) unless the subdivider requests and receives per-
9 mission from LES to use a private consulting engineer, then the plans and specifications shall be
10 submitted to LES for approval. The plans and specifications for street name signs shall be prepared
11 by the Department of Public Works and Utilities. The plans and specifications for the grading and
12 land preparation, paving, street surfacing, public water system, public wastewater works and storm
13 drains shall be prepared by a professional engineer or architect registered in the State of Nebraska.

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

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

23 Section 10. That Section 26.11.039 of the Lincoln Municipal Code be amended to
24 read as follows:

1 **26.11.039 Requisites for Final Plat Approval.**

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

4 (a) Improvements have been installed and approved. This is the only method available
5 for community wastewater works and community water systems.

6 (b) Petitions for assessment districts and if necessary formal petitions with required
7 signatures, have been filed with the Planning Director. Such assessment districts may be created for
8 public improvements within the corporate limits of the city at the sole option of the city, and shall
9 be used for only the completion of street paving, public water systems, public wastewater works, and
10 street lighting. Provided, however, the approved final plat shall not be recorded in the office of the
11 Register of Deeds until the city has created all such petitioned assessment districts.

12 (c) A bond, escrow, or security agreement approved by the City Law Department has
13 been furnished in an amount sufficient to guarantee the installation of the required improvements
14 or which may be installed without an executive order ~~has been~~ issued by the Mayor authorizing the
15 construction of ~~the~~ said improvements.

16 (d) An executive order has been issued by the Mayor authorizing the construction of
17 public streets, public water, public sanitary sewer, public storm drainage, and public ornamental
18 street lighting.

19 (e) A cash contribution to the City has been furnished in an amount sufficient to pay the
20 cost to install sidewalks and street trees along major streets that have not been improved to an urban
21 cross section. When there is not adequate space along the major street for the installation of street
22 trees a surety shall be required as stated in (c) above. The cash contribution shall be held and spent
23 only to fund installation of street trees and sidewalks abutting said final plat in conjunction with
24 construction of the major street(s) to an urban cross section. The cash contribution will be deposited
25 in the Street Construction Fund in a separate project account for each final plat for which a cash
26 contribution has been furnished to install sidewalks and street trees along such major street.

1 (f) A cash contribution to the City in lieu of a bond, escrow, or security agreement may
2 be furnished for street trees on final plats with ten or fewer lots. Said cash contribution to be used
3 to pay for the planting of street trees by the Parks and Recreation Department..

4 (d g) An agreement is signed by the subdivider guaranteeing that ~~the improvement is~~
5 ~~completed within a time specified by the city. However, this alternative is available only for on-site~~
6 ~~wastewater treatment systems, individual water well systems, and the completion of land preparation~~
7 on-site wastewater treatment systems and individual water well systems will be approved by the
8 City-County Health Department before a building permit is issued and are completed before an
9 occupancy permit is issued.

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

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

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

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

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

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

1 Section 11. That Section 26.11.040 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **26.11.040 Installation of Improvements.**

4 Improvements shall be installed as follows:

5 (a) Sidewalks ~~within streets and those trees not included in a landscape screen within~~
6 ~~four years of final plat approval; provided, however, when sidewalks have been constructed on~~
7 ~~seventy percent or more of the frontage along a major street between two street intersections, the~~
8 ~~remaining sidewalk therein shall be constructed~~ along non-major streets shall be installed prior to
9 the City issuing an occupancy permit or within four years following final plat approval, whichever
10 occurs first. The Planning Director may waive sidewalks along outlots reserved for future
11 development.

12 (b) Sidewalks within pedestrian ways shall be installed at the same time the adjacent
13 streets in the final plat are surfaced.

14 (c) Sidewalks along major streets that have not been improved to the urban cross section
15 shall be installed as part of the improvement of the street to the urban cross section.

16 (d) Sidewalks along major streets improved to urban cross section shall be installed
17 within two years of final plat approval.

18 (e) Sidewalks along outlots not reserved for future development shall be installed at the
19 same time the adjacent streets in the final plat are surfaced.

20 (f) Street trees along major streets shall be installed at the same time the adjacent street
21 is improved to urban cross section. If the major street is built to urban cross section, the street trees
22 shall be installed within two years of final plat approval. Street trees along non-major streets shall
23 be installed within four years of final plat approval. The Planning Director may waive street trees
24 along outlots reserved for future development.

25 (g) Street trees along outlots not reserved for future development shall be installed at the
26 same time the adjacent street is surfaced.

1 (e h) Street lights on the side of the streets and private roadways within and which about the
2 subdivision except along major streets, land preparation, and landscape screens shall be installed
3 within the period established by the city two years of final plat approval.

4 (d i) Community wastewater works and community water systems constructed and
5 approved shall be installed as specified below prior to final plat approval. The wastewater treatment
6 and discharge system and the water supply, collection, treatment, and storage shall be constructed
7 to the satisfaction of the State of Nebraska. The wastewater collection system and the water
8 distribution system shall be constructed to the satisfaction of the Director of Public Works and
9 Utilities. The Director of Public Works and Utilities may as an option accept a certification from
10 a registered professional engineer that the wastewater collection system and the water distribution
11 system was completed in accordance with the City of Lincoln design standards.

12 (e j) On-site wastewater treatment systems and individual water well systems shall be
13 completed in accordance with the rules and regulations of the Health Department at the time
14 improvements are constructed on the lot.

15 (f k) All other improvements listed in Chapter 26.27 shall be installed within the period
16 established by the city not exceeding two years from final plat approval.

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

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

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

3 **26.11.060 Action Required on Final Plat.**

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

8 (b) Each department or governmental agency which is directly concerned with the
9 proposed subdivision shall, within ~~fifteen~~ ten days from receipt of a copy of the final plat, file with
10 the Planning Director its approval of said plat or a report indicating in what manner such final plat
11 does not conform to the requirements of this title and all other rules, regulations, and standards
12 adopted pursuant to this title over which such department has administrative responsibility.

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

1 (d) Except for those plats that meet the requirements of Section 26.11.050(b), Any
2 council member or aggrieved person may appeal any action of the Planning Director to the Planning
3 Commission, and any decision of the Planning Commission to the City Council by filing notice of
4 an appeal within fourteen days following the action being appealed. The appeal of the Planning
5 Director's action shall be filed with the Director, and the appeal of the Planning Commission's
6 action shall be filed with the City Clerk. If the Planning Commission approves a final plat and its
7 action is not appealed to the City Council, the final plat shall be signed by the Chairman of the
8 Commission. If the City Council approves a final plat after the appeal of the denial of such a plat
9 by the Commission, no further action shall be required by the Commission to approve such a plat.
10 After approval thereof by the City Council, the plat shall be returned to the Planning Department for
11 signing by the Chairman of the Commission. Thereafter, such plat shall be processed in accordance
12 with the procedures set forth in Section 26.11.070.

13 Section 13. That Section 26.11.110 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **26.11.110 Responsibilities for Improvements in Collector and Major Streets.**

16 ~~The subdivider shall be responsible for:~~

17 ~~——(a)—— The equivalent cost of local street paving in a major street when:~~

18 ~~——(1)—— The subdivision abuts such major street;~~

19 ~~——(2)—— The major street is within the city limits or will be annexed with final plat
20 approval; and~~

21 ~~——(3)—— Improvement of the major street is planned in the six-year capital
22 improvements program; provided, however, no payment shall be required when individual lot access
23 to such major street has been relinquished.~~

24 ~~——(b)—— The subdivider shall be responsible for the entire cost and expense for the
25 construction of a collector street within the subdivision; provided, however, if the collector street
26 serves other land beyond the subdivision, then the city may agree to contribute up to the difference
27 in cost between an equivalent local street paving and the collector street paving. This contribution~~

1 is only available to plats located within the city limits or annexed with final plat approval. ~~The dollar~~
2 ~~amount of city participation for a particular subdivision shall be certified to the Commission by the~~
3 ~~Director of Public Works and Utilities prior to the date of approval of the final plat of such~~
4 ~~subdivision and shall be set forth in the Commission resolution approving such final plat. The~~
5 ~~City's agreement to make such a contribution shall lapse if the construction is not completed by the~~
6 ~~subdivider within two years after the date of following final plat approval of the final plat of the~~
7 ~~subdivision.~~

8 Section 14. That the annotation found following Section 26.11.110 of the Lincoln
9 Municipal Code be and the same is hereby deleted from the Land Subdivision Ordinance as codified.

10 ~~ANNOT.: Where the City of Lincoln has required subdivider to relinquish right of~~
11 ~~direct vehicular traffic from all abutting lots to arterial street, this ordinance does not~~
12 ~~authorize requirement that subdivider also pay equivalent cost of paving abutting~~
13 ~~major street. Briar West Inc. v. City of Lincoln, 206 Neb. 172, 291 N.W.2d 730~~
14 ~~(1980).~~

15 ~~_____ The only foundation for a local assessment lies in the special bene-~~
16 ~~fits conferred by the improvement upon the property assessed. Id.~~

17 Section 15. That Section 26.15.015 of the Lincoln Municipal be amended to read as
18 follows:

19 **26.15.015 Information on a Preliminary Plat.**

20 The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all
21 pertinent information required in this chapter. The proposed layout and design of all the features of
22 the subdivision shall conform to this title and to the design standards adopted by the city.

23 The following required information shall be identified and shown on the preliminary plat:

24 (a) Name of the subdivision. The name of the subdivision shall not duplicate or
25 approximate the name of an existing subdivision within Lancaster County unless the subdivision is
26 adjacent to that existing subdivision and is an expansion thereof. The distinction shall be made by
27 adding the suffix "1st addition" to the first duplication of the name, and then continuing in sequence.

1 (b) North arrow, scale of drawing, date prepared, the sheet number and total number of
2 sheets included within each set of the preliminary plat submittal.

3 (c) Contour lines based on NAVD 1988 and at sufficient intervals, not to exceed five
4 feet, to duplicate adequately the existing and proposed topography and land form within and adjacent
5 to the subdivision. The scaled distance between contour lines shall not exceed 200 feet.
6 Notwithstanding the above, contour lines shown on preliminary plats submitted before March 1,
7 2000 may be in either city datum or NAVD 1988.

8 (d) Existing and proposed streets and private roadways within and adjacent thereto. This
9 shall include the right-of-way and pavement width, tangent length, the centerline radius of each curve
10 and its interior angle, the angle of intersection with all other streets and private roadways and the
11 name or number of each.

12 Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch
13 of the prospective future street system of the unsubmitted part of the tract shall be furnished; and the
14 street system of the part being platted shall be considered in connection with the proper projection
15 of streets into the portion of the tract not being presently platted.

16 (e) All lot lines and their dimensions. The dimensions along curvilinear lines shall be
17 noted as being either chord or arc length.

18 (f) Lot and block numbers and outlot letters with the total number of each. All lots shall
19 be numbered in sequence beginning with the number one and continuing consecutively through each
20 block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots
21 shall be assigned an alphabetical letter beginning with the letter "A" and continuing through the
22 alphabet. The proposed use of the outlot shall be designated on the plat. Areas, except streets, to
23 be dedicated or reserved for public or private parks or other public areas shall be outlots.

24 (g) Areas for schools, parks, playgrounds, fire stations, libraries, and other common areas
25 for public use, along with any requested consideration for such areas.

26 (h) The proposed method of providing wastewater collector service to each lot:

1 (1) If a public or community wastewater collector system is proposed, the size,
2 direction of flow, location of the wastewater collectors, manholes, necessary extensions of the
3 system within or beyond the limits of the subdivision to connect to the city's existing wastewater
4 collector system or to the community wastewater treatment facility, and the location of the
5 community wastewater treatment facility.

6 (2) If the use of individual wastewater systems is permitted, pursuant to Section
7 26.27.040 of this title, and a septic tank system is proposed, soil and percolation data and plans
8 which show the location of one main subsurface disposal field for each lot which is proposed to be
9 served by a septic tank system, are required. Where the subdivider will permit individual sewage
10 lagoons and the lot area is three acres or more, percolation tests and the location of the subsurface
11 disposal field are not required.

12 (i) The proposed method of providing water supply to each lot:

13 (1) If a public or community water system or rural water district is proposed, the
14 location and size of all water mains, hydrants, and necessary extensions of the system within or
15 beyond the limits of the subdivision to connect to the existing water mains or to the community well.

16 (2) If a community water system other than a rural water district is proposed, data
17 on the quantity and quality of the water shall be obtained from one or more test wells within the
18 immediate vicinity of the proposed water supply well.

19 (3) If an individual water well system for each lot is proposed, data on the
20 quantity and quality of the water shall be obtained from test wells which shall be drilled on the ratio
21 of one to each ten acres on a grid system. Where geological and hydrological data and sodium and
22 chloride tests are available and the results are satisfactory to the health department, the test wells may
23 be waived.

24 (4) The results of the preliminary tests required above shall in no way be con-
25 strued to constitute a guarantee by the city of the quantity or quality of water to individual lots in the
26 proposed subdivision, and the data obtained from these tests shall not be used to imply that an
27 adequate quantity or acceptable quality of water is available in the proposed subdivision.

1 (j) The location and size of all existing wastewater collectors and wastewater treatment
2 facilities, storm drains, culverts, water mains and fire hydrants, power lines, cables, and other
3 underground structures within or adjacent to the subdivision.

4 (k) The location, width, and purpose of all existing and proposed easements within or
5 adjacent to the subdivision.

6 (l) The location of all existing and proposed sidewalks, pedestrian ways, and bikeways
7 with required easements and setbacks.

8 (m) The location of all existing structures and buildings within and adjacent to the
9 subdivision, their existing and proposed use.

10 (n) A certified accurate boundary survey showing sufficient linear, angular, and curve
11 data to determine the bearing and length of all boundary lines of the subdivision, a legal description
12 thereof, and the number of acres therein. (This survey shall be field measured and shall mathemati-
13 cally close with an error of not more than one in twenty-five thousand (1/25,000).) This survey shall
14 also locate and identify all section corners and section lines. Where the subdivision abuts on an
15 existing plat or other surveyed tracts, the distances, angles, and bearing of any common lines shall
16 be shown; and any differences along common lines of the original survey and the survey of this
17 subdivision shall be noted.

18 (o) A certificate for the signature of the chairman of the Planning Commission in a form
19 approved by the Planning Director.

20 Section 16. That Section 26.19.031 of the Lincoln Municipal Code be amended to
21 read as follows:

22 **26.19.031 Data Required on a Final Plat.**

23 (a) The final plat shall be accurately and legibly drawn and shall show the following:

24 (1) All survey and mathematical information with sufficient linear, angular, and
25 curve data necessary to locate all existing and placed monuments and stakes, and to locate and
26 retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision.
27 Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of all

1 common lines and the street centerline points shall be shown and any differences in measurements
2 so noted.

3 (2) All dimensions on the final plat shall be to the nearest one-hundredth (.01)
4 of a foot with such other information necessary to reproduce the final plat on the ground.

5 (3) Lot, outlot, and block lines. All such lines shall be shown and dimensioned.

6 (i) Where such lines are curved at street intersections, the length of tan-
7 gents shall be shown.

8 (ii) Where such lines abut curvilinear streets, chord or arc distances shall
9 be shown and noted.

10 (iii) All angles of deflection or bearings of such lines other than those
11 which are at right angles to the centerline of a street or on a radial line of a curved street.

12 (4) Lot, outlot, and block identity. Within each block all lots shall be numbered
13 in sequence, beginning with the number one and continuing consecutively throughout each block
14 with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall
15 be assigned an alphabetical letter beginning with the letter "A" and continuing consecutively through
16 the alphabet. The proposed use of the outlot shall be designated on the plat.

17 (5) Areas to be dedicated or reserved for public use. For streets, private road-
18 ways, and other public ways within and adjacent to the subdivision, the location, name, centerline,
19 centerline radius, length, and interior angle of horizontal curves, tangent length, and width. All areas
20 shall be located and identified which are to be dedicated or reserved for public use, including park
21 land and other public areas. All such parcels shall be outlots except streets dedicated to the public.
22 A clear distinction shall be made as to which parcels are to be dedicated to the public from those
23 parcels to be privately owned but reserved for public use.

24 (6) Location, width, and purpose of all required easements for storm drains,
25 overland stormwater flow routes, flood corridors, detention/retention facilities, wastewater
26 collectors, water mains, other public utilities, and other easements for public use.

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

4 (8) The location and identification of all section corners, section lines, monuments
5 and stakes found and placed. The boundary lines shall be located in reference to existing official
6 monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries
7 of the subdivision.

8 (9) The number of acres, the total number of lots and outlots within the sub-
9 division, and the lot area in square feet for each lot and outlot.

10 (b) The following data shall be shown on each sheet of the final plat:

11 (1) The name of the subdivision. The use of first (1st), second (2nd), third (3rd),
12 etc., for additions or subdivisions shall be made in sequence but only if the final plat is located
13 adjacent to a plat with the same name.

14 (2) Scale.

15 (3) North arrow.

16 (4) Sheet number and the total number of sheets comprising the final plat.

17 (5) The name and number of the preliminary plat upon which the final plat is
18 based. This information shall appear directly beneath the name of the final plat.

19 (c) A blank space at the top of the first page which is at least two and one-half inches by
20 six and one-half inches in size.

21 Section 17. That Section 27.19.035 of the Lincoln Municipal Code be amended to
22 read as follows:

23 **26.19.035 Additional Information Required.**

24 Accompanying the final plat submittal, the following information shall be submitted:

25 (a) A statement from the subdivider indicating:

26 (1) Any interest the subdivider has in the land surrounding the final plat and the
27 nature of such interest.

1 (2) All requests to be submitted to the city for use permits, special use permits,
2 planned unit developments, changes of zone, and vacations which are required to complete the
3 development.

4 (3) The name, telephone number, mailing address of the subdivider, record owner,
5 and any other person the subdivider may want informed of the final plat process, and any person who
6 has the authorization to act on behalf of the subdivider.

7 (b) Street profiles that show existing ground surface elevations based on a current field
8 survey, the curb grades, and the lengths of all vertical curves of the streets within the final plat which
9 are to be dedicated to the public. The grades shall be in accordance with the minimum standards of
10 the city and, upon acceptance by the city, shall become the official established grades.

11 (c) The proposed species and location of trees for each street and private roadway within
12 and adjacent to the subdivision, including the common and botanical name, size at planting, method
13 of handling, and the quantity of each species. The landscape plan shall have a note stating a certified
14 landscape contractor as approved by the Parks and Recreation Department shall be used to install
15 street trees.

16 (d) The proposed location, design, and materials to be used in all required landscape
17 screens.

18 Section 18. That Section 26.23.140 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **26.23.140 Lot.**

21 (a) Minimum lot width and area requirements shall conform to the zoning ordinance,
22 Title 27 of this code. Double frontage Residential lots abutting permitted under subparagraph (e)
23 below which abut a major street with at least 60 feet of right-of-way from the centerline of the street
24 shall have a minimum depth of ~~120~~ 110 feet. Double frontage residential lots permitted under
25 subparagraph (e) below which abut a major street with less than 60 feet of right-of-way from the
26 centerline of the street shall have a minimum lot depth of 120 feet, and ~~t~~The minimum depth of all
27 other residential lots shall be ninety feet, except where the existing lot does not meet this requirement

1 and the lot depth is not further reduced. Any lot in the O-1, O-2, O-3, B-1, B-2, B-3, B-4, B-5, H-1,
2 H-2, H-3, H-4, I-1, I-2, or I-3 districts which has a minimum width of at least 100 feet shall have a
3 maximum depth of five times its width. Any other lot shall have a maximum depth of three times
4 its width. However, the Planning Director may modify this requirement where the lot is occupied
5 or intended to be occupied by a portion of a duplex or townhouse structure. An existing lot which
6 does not comply with said lot width-to-depth ratios may be subdivided so as to increase such lot's
7 width, decrease such lot's depth, or both, even though such lot does not thereafter fully comply with
8 the lot width-to-depth ratio as set forth above.

9 (b) The lot arrangement and design of the subdivision shall be such that all lots shall
10 provide satisfactory and desirable building sites, properly related to topography and the character of
11 the surrounding development.

12 (c) The side lines of any lot shall be at right angles to the street or radial, if the street is
13 curved, except where a variation will provide a better street and lot layout.

14 (d) Residential corner lots shall be wider than other residential lots to the extent necessary
15 to permit the establishment of front yards along both of the abutting streets. Corner lots fronting on
16 major street intersections and other acute angle intersections which are likely to be dangerous to
17 traffic movement shall have a curved line radius of twenty (20) feet at the street corner.

18 (e) The residential lot arrangement of a subdivision shall be accomplished in such a
19 manner that there will be no lots with a double frontage; i.e., a lot fronting on two non-intersecting
20 public streets. However, in circumstances where the subdivision abuts a major street, double
21 frontage lots may be permitted when no frontage road exists adjacent to or abutting on the major
22 street and access from the lot is only to the local street. Where double frontage lots are allowed, the
23 subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot
24 to the major street and place covenants and restrictions upon the land to run with the land
25 relinquishing said access as approved by the City Attorney's office.

26 (f) A lot used for commercial, industrial, business, or nonresidential purposes with at
27 least 660 linear feet of frontage on a major street may have access to the major street only if a safe

1 access point is available and approved by the city. If a safe access point is not available, or if said
2 lot does not have the required linear feet of frontage, a frontage road abutting the major street
3 constructed to a width approved by the city shall be dedicated to provide access to said lot.

4 An exception to the foregoing front foot requirements shall be permitted in the case of a
5 replat or resubdivision of a lot where either the lot does not have 660 linear feet of frontage, or the
6 distance between cross-streets is less than 660 linear feet. In such event, if safe access to the major
7 street can be provided, the frontage road requirement may be waived.

8 (g) Every lot shall front upon and have access to a public street, except:

9 (1) Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts may
10 front upon and take access to a private roadway if said lots are located within an approved
11 community unit plan under Chapter 27.65 or a planned unit development under Chapter 27.60 of the
12 Lincoln Municipal Code;

13 (2) Lots located in other zoning districts may front upon and take access to a private
14 roadway if said private roadway has been approved either in connection with a use permit under the
15 provisions of Title 27 or with a subdivision of property in conformance with all the requirements of
16 this title.

17 (h) Residential lots proposed to be made servient to pedestrian way easements and adjacent
18 residential lots shall be of sufficient width to provide the additional required setback between the
19 residence and the pedestrian way, plus the five foot wide pedestrian way easement.

20 (i) A corner lot abutting a temporary dead-end street may be required to relinquish direct
21 vehicular access to the temporary dead-end street when the lot is the only lot fronting on the
22 temporary dead-end street within the same block.

23 Section 19. That Section 26.23.170 of the Lincoln Municipal Code be amended to read
24 as follows:

1 **26.23.170 Character of Development.**

2 Where the subdivision contains sewers, sewage treatment plants, water supply systems, park
3 areas, street trees, roadways, street lighting, recreational facilities, or other physical facilities
4 (“private improvements”) on outlots which are necessary or desirable for the welfare of the area and
5 which are of common use or benefit and which the city does not maintain, ~~provisions shall be made~~
6 ~~for the proper and continuous maintenance and supervision of the facilities by the lot owners in the~~
7 ~~subdivision. All such maintenance agreements shall be incorporated in covenants and restrictions~~
8 ~~in deeds to the subdivided property and shall be submitted to the city for its approval prior to~~
9 ~~inclusion in the deeds~~ the Subdivider shall be responsible for the proper maintenance and
10 supervision of the outlots and private improvements on a permanent and continuous basis and shall
11 retain ownership of or the right of entry to the outlots in order to maintain the outlots and private
12 improvements on said permanent and continuous basis. However the Subdivider may be relieved and
13 discharged of this maintenance obligation upon creating, in writing, a permanent continuous
14 association of property owners who would be responsible for said maintenance obligation provided
15 that the documents creating the association have been reviewed and approved by the City Attorney
16 and filed of record with the Register of Deeds. Notwithstanding the above, the Subdivider shall not
17 be relieved of this maintenance obligation for each specific private improvement until the registered
18 professional engineer or nurseryman who supervised installation of said private improvement has
19 certified to the City that the improvement has been installed in accordance with the approved plans
20 and relevant standards.

21 Section 20. That Section 26.27.005 of the Lincoln Municipal Code be amended to read
22 as follows:

23 **26.27.005 General Requirements.**

24 The items listed in this chapter shall be the minimum improvements required in a
25 subdivision. These minimum improvements shall conform to and be constructed in conformance
26 with the design standards approved by the City, other sections of the Lincoln Municipal Code, and
27 the standard specifications of the City. The subdivider, ~~his~~ successors and assigns, shall be

1 responsible for the entire cost and expense of the minimum improvements unless indicated otherwise
2 in this title. The Planning Director may waive the minimum improvements when no additional lots
3 are created in a subdivision.

4 Section 21. That Section 26.31.015 of the Lincoln Municipal Code be amended to read
5 as follows:

6 **26.31.015 Coordinating Subdivision and Community Unit Plan, Planned Unit**
7 **Development, Special Permit, and Use Permit.**

8 Whenever the tract to be subdivided is included in a community unit plan, planned unit
9 development, special permit, or use permit, the ~~council may vary or modify approval of said~~
10 ~~community unit plan, planned unit development, special permit or use permit may include a~~
11 ~~provision varying or modifying~~ the requirements of this title so as to permit the coordinated devel-
12 opment of a subdivision and a community unit plan, planned unit development, special permit, or
13 use permit; provided the public welfare and interests of the city and surrounding area are protected
14 and the general intent and spirit of the regulations preserved. ~~Any such proposed modifications to~~
15 ~~the requirements of this title shall first be submitted to the Planning Commission for its recommen-~~
16 ~~dations and report. The Planning Commission shall hold at least one public hearing before~~
17 ~~submitting its recommendations and report.~~

18 The Planning Director shall be authorized to approve ~~administrative~~ final plats submitted in
19 accordance with a community unit plan, planned unit development, special permit, or use permit
20 notwithstanding the fact that such ~~administrative~~ plats require modifications to the requirements of
21 this title if such modifications were specifically approved ~~by the City Council~~ at the time of approval
22 of the community unit plan, planned unit development, special permit, or use permit.

23 Section 22. That Sections 26.07.135, 26.07.145, 26.07.190, 26.11.030, 26.11.032,
24 26.11.036, 26.11.038, 26.11.039, 26.11.040, 26.11.060, 26.11.110, 26.15.015, 26.19.031,
25 26.26.19.035, 26.23.140, 26.23.170, 26.27.005, and 26.31.015 of the Lincoln Municipal Code as
26 hitherto existing be and the same are hereby repealed.

1 Section 23. That this ordinance shall take effect and be in force from and after its
2 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

J:\COUN\CAPS\05-13.wpd

Approved this ___ day of _____, 2005:

Mayor