

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to land
2 subdivisions by amending Section 26.19.010 to allow the final plat to be drawn on 24 lb. white
3 paper; by amending Section 26.23.140 to provide that lots shown within the boundaries of an
4 approved community unit plan, a planned unit development, or use permit are not required to front
5 upon and take access to a public street or private roadway, provided that a permanent public access
6 easement to and from a public street or private roadway for such residential lots is dedicated in the
7 final plat creating such residential lots and that permanent access easement (public or private) to and
8 from a public street or private roadway for such nonresidential lots is dedicated in the final plat
9 creating such nonresidential lots; and repealing Sections 26.19.010 and 26.23.140 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 14.24.030 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **26.19.010 Form of Final Plat.**

15 (a) The size of each sheet of said final plat shall be sixteen by twenty-two inches. All
16 lots and, wherever practicable, blocks in their entirety, shall be shown on one sheet.

17 (b) Said final plat shall be accurately, clearly, and legibly drawn in black waterproof
18 India ink or photographed upon tracing cloth or mylar which is a minimum of three thousandths
19 (.003) of an inch thick, 24 lb. white paper or its equivalent. Affidavits, certificates, and ack-
20 knowledgments shall be legibly lettered or printed upon the final plat with opaque ink. Signatures
21 shall be in black opaque ink.

1 (c) A marginal line shall be drawn completely around each sheet, leaving an entirely
2 blank margin of at least one-half inch.

3 (d) The final plat shall be drawn to one of the following scales: 1 inch equals 20 feet, 1
4 inch equals 30 feet, 1 inch equals 40 feet, 1 inch equals 50 feet, 1 inch equals 60 feet, 1 inch equals
5 100 feet, or any other scale proposed by the subdivider with the approval of the Planning Director.
6 The scale selected shall be sufficient to show all required information clearly, and enough sheets
7 shall be used to accomplish this end.

8 (e) If more than one sheet is used, the particular number of the sheet and the total number
9 of sheets comprising the final plat shall be stated on each of the sheets; and the relationship to each
10 adjoining sheet shall be clearly shown. If more than two sheets are used, an index sheet the same
11 size as required above shall be included showing, at whatever scale is necessary, the entire subdivi-
12 sion with an indication by the use of dotted lines of the component areas which are shown on the
13 other sheets.

14 (f) The boundary of the subdivision shall be clearly identified on the final plat. All lines
15 shown on the final plat which do not constitute a part of the subdivision itself shall be clearly
16 distinguishable from those lines which are a part of the subdivision, and any area enclosed by such
17 lines shall be labeled, "not a part of this subdivision."

18 Section 2. 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 permitted under subparagraph (e) below which
23 abut a major street with at least 60 feet of right-of-way from the centerline of the street shall have
24 a minimum depth of 110 feet. Double frontage residential lots permitted under subparagraph (e)
25 below which abut a major street with less than 60 feet of right-of-way from the centerline of the

1 street shall have a minimum lot depth of 120 feet. The minimum depth of all other residential lots
2 shall be ninety feet, except where the existing lot does not meet this requirement and the lot depth
3 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, H-2, H-3, H-4,
4 I-1, I-2, or I-3 districts which has a minimum width of at least 100 feet shall have a maximum depth
5 of five times its width. Any other lot shall have a maximum depth of three times its width.
6 However, the Planning Director may modify this requirement where the lot is occupied or intended
7 to be occupied by a portion of a duplex or townhouse structure. An existing lot which does not
8 comply with said lot width-to-depth ratios may be subdivided so as to increase such lot's width,
9 decrease such lot's depth, or both, even though such lot does not thereafter fully comply with the
10 lot width-to-depth ratio as set forth above.

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

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

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

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

1 to the major street and place covenants and restrictions upon the land to run with the land
2 relinquishing said access as approved by the City Attorney's office.

3 (f) A lot used for commercial, industrial, business, or nonresidential purposes with at
4 least 660 linear feet of frontage on a major street may have access to the major street only if a safe
5 access point is available and approved by the city. If a safe access point is not available, or if said
6 lot does not have the required linear feet of frontage, a frontage road abutting the major street
7 constructed to a width approved by the city shall be dedicated to provide access to said lot.

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

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

13 (1) Lots located in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and R-6 zoning
14 districts may front upon and take access to a private roadway if said lots are located within an
15 approved community unit plan under Chapter 27.65 or a planned unit development under Chapter
16 27.60 of the Lincoln Municipal Code;

17 (2) Lots located in other zoning districts may front upon and take access to a pri-
18 vate roadway if said private roadway has been approved either in connection with a use permit under
19 the provisions of Title 27 or with a subdivision of property in conformance with all the requirements
20 of this title;

21 (3) Lots shown within the boundaries of an approved community unit plan under
22 Chapter 27.65, an approved planned unit development under Chapter 27.60 or an approved use
23 permit under any Chapter for a zoning district that requires a use permit provided a permanent
24 access to and from a public street or private roadway is dedicated in the final plat creating said lots.

1 Residential lots shall be required to have a dedicated public access easement. Nonresidential lots
2 may have either a dedicated public or private access easement.

3 (h) Residential lots proposed to be made servient to pedestrian way easements and ad-
4 jacent residential lots shall be of sufficient width to provide the additional required setback between
5 the residence and the pedestrian way, plus the five foot wide pedestrian way easement.

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

9 Section 3. That Sections 26.19.010 and 26.23.140 of the Lincoln Municipal Code
10 as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor