

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Misc #01010

DATE: August 21, 2001

PROPOSAL: Amend the Land Subdivision Ordinance to group all the fees into one chapter and to add fees for a request to amend the conditions of an approved final plat, to vacate a final plat, to amend the text of the Land Subdivision Ordinance, and to cover all other requests not listed.

CONCLUSION: The grouping of the fees into one chapter makes it easier to find the fees.
The proposed fees will partially cover review and notification costs.

<u>RECOMMENDATION:</u>	approval
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GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, Director of Planning
Planning Department
555 S. 10th Street
Lincoln, NE 68508

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ANALYSIS:

1. The final plat requirements are established through the preliminary and final plat process. The subdivider has opportunities to request waivers during the process.
2. The City Law Department recently has been notifying subdividers that they have not completed the requirements of their final plat. Some of the subdividers have chosen to request a waiver rather than fulfill the requirement. Each staff review takes time. Notifications incur printing, postage and publication costs. At this time no fee is charged for such a request.
3. The proposed fee applies to requests made after the conditions of approval are determined and included in the documents approving the final plat and recorded in the register of deeds.
4. The Land Subdivision Ordinance provides a means to vacate a final plat but there is no application fee at this time.

5. At this time there is no fee for an application to amend the Land Subdivision Ordinance.
6. Rather than attempt to list each and every type of application request, a fee can be established for miscellaneous or unlisted requests.

Prepared by:

Ray F. Hill
Planner

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ORDINANCE NO. _____

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AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Section 26.11.015 to delete reference to application fees associated with administrative final plats; repealing Section 26.11.035 establishing application fees associated with preliminary plats; repealing Section 26.11.055 establishing application fees associated with final plats; amending Section 26.11.130 to delete reference to an application fee for a corrected final plat; adding a new section numbered 26.33.010 to provide general regulations regarding application fees; adding a new section numbered 26.33.020 to establish an application fee for administrative final plats; adding a new section numbered 26.33.030 to establish an application fee for preliminary final plats; adding a new section numbered 26.33.040 to establish an application fee for final plats; adding a new section numbered 26.33.050 to establish an application fee for corrected final plats; adding a new section numbered 26.33.060 to establish an application fee to vacate a final plat; adding a new section numbered 26.33.070 to establish an application fee and notification fee for a request to amend the conditions of final plat approval; adding a new section numbered 26.33.080 to provide an exception for applications filed by the City of Lincoln; adding a new section numbered 26.33.090 to establish a change of text fee; adding a new section numbered 26.33.100 to establish a general fee not otherwise covered by this chapter; and repealing Sections 26.11.015 and 26.11.130 of the Lincoln Municipal Code as hitherto existing.

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

2 Section 1. That Section 26.11.015 of the Lincoln Municipal Code be amended to
3 read as follows:

4 **26.11.015 Administrative Plat.**

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

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

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

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

21 (d) The subdivider shall submit such information as set forth in Sections 26.15.015,
22 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.

1 (e) Where individual water or wastewater systems are proposed to serve any of the
2 proposed lots, the Health Department must approve the system, and all plans and information
3 required by the Health Department shall be provided by the subdivider.

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

10 (2) In the event of any proposed dedication for public use, a certificate of title
11 or a title opinion issued to or for the benefit and protection of the city showing all parties whose
12 consent is necessary to pass clear title for the land being subdivided and dedicated, together with
13 the nature of their interests therein, shall be furnished. Such proof of title shall be in a form
14 acceptable to the City Attorney. Any subsequent change affecting ownership of the proposed
15 subdivision or any part thereof shall be made only upon the prompt notification and certification
16 to the city of said change in ownership. The city shall assume no responsibility for any title
17 problem with said proposed subdivision or any part thereof, and approval of said subdivision shall
18 not be construed as approval of the title of the proposed subdivision or any part thereof.

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

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

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

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

9 (1) The land involved in the administrative plat is zoned O-1, O-2, O-3, B-1, B-
10 2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts;

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

13 ~~(i) The subdivider shall pay to the city a filing fee of \$100.00 for each administrative~~
14 ~~plat application, plus a unit fee of \$20.00 per proposed lot. Should the subdivider request a~~
15 ~~modification of the requirements for subdivision approval, an additional fee of \$100.00 shall~~
16 ~~accompany the request. The land within each application shall be adjacent.~~

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

21 (k) The form of the administrative plat shall be as provided in Chapter 26.19 except
22 the approval certificate will be signed by the Planning Director and certification by Planning
23 Commission and City Clerk will not be required.

1 (†k) All land within the limits of a proposed administrative plat outside of, but adjoining
2 or contiguous to, the corporate limits of the city must first be annexed by the council prior to
3 approval of such administrative plat if all the land lies within the future urban area as defined and
4 delineated in the Lincoln-Lancaster County Comprehensive Plan.

5 Section 2. That Section 26.11.035 of the Lincoln Municipal Code be and the same
6 is hereby repealed.

7 **~~26.11.035 Preliminary Plat Fee.~~**

8 ~~The following fees to the city shall accompany the filing of the preliminary plat:~~

9 ~~(a) Filing fee of \$400.00;~~

10 ~~(b) Unit fee of \$40.00 per lot to a maximum unit fee of \$2,000.00;~~

11 ~~(c) Notification fee of \$100.00.~~

12 Section 3. That Section 26.11.055 of the Lincoln Municipal Code be and the same
13 is hereby repealed.

14 **~~26.11.055 Final Plat Fee.~~**

15 ~~At the time of filing the final plat for processing, the subdivider shall pay the following fees:~~

16 ~~(a) Filing fee of \$100.00;~~

17 ~~(b) Unit fee of \$10.00 per lot to a maximum unit fee of \$1,000.00.~~

18 Section 4. That Section 26.11.130 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **26.11.130 Survey Errors.**

21 In the event that a survey error is found at any time after the filing of the final plat with the
22 Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the sub-
23 divider shall immediately proceed to cause the survey error to be corrected. Building permits on
24 any or all of the lots within the subdivision may be withheld and the city may take such other
25 action it deems appropriate to obtain the correction of the survey error. The subdivider shall

1 submit to the Planning Director a corrected final plat; and an explanation letter setting forth the
2 corrections, ~~and a fee of \$100.00,~~ tThe Planning Director shall transmit the corrected final plat
3 and the letter of explanation to the Director of Public Works and Utilities. The Director of Public
4 Works and Utilities shall review and return comments to the Planning Director. Thereafter, a copy
5 of the corrected plat, the letter of explanation, the report of the Director of Public Works and
6 Utilities, and the recommendation of the Planning Director shall be transmitted to the Law
7 Department and the City Clerk. The Law Department shall prepare a resolution approving and
8 accepting the corrected final plat and voiding the plat with the survey error. The Commission may
9 then approve and accept the corrected final plat. After such approval, the City Clerk shall then
10 file the resolution approving and accepting the corrected final plat and the approved and
11 corrected final plat in the office of the Register of Deeds. The recording fee shall be paid in
12 advance by the subdivider and submitted to the City Clerk. The name of the corrected final plat
13 shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be
14 used. The corrected plat shall comply with Chapter 26.19, this code, and the conditions of the
15 original plat as approved by the City.

16 Section 5. That Title 26 of the Lincoln Municipal Code be amended by adding a
17 new section numbered 26.33.010 to read as follows:

18 **26.33.010 General Regulations.**

19 The fees set forth in this chapter shall apply to this title. Under no condition shall any fee
20 required hereunder be refunded for failure of said application to be granted by the City Council
21 or other appropriate authority.

22 Section 6. That Title 26 of the Lincoln Municipal Code be amended by adding a
23 new section numbered 26.33.020 to read as follows:

1 **26.33.020 Administrative Final Plat Fee.**

2 The following fees shall be charged at the time of filing an application for an administrative
3 final plat:

4 (a) Filing fee of \$100.00;

5 (b) Unit fee of \$20.00 per lot;

6 (c) Notification fee of \$100.00 if the subdivider is also requesting a modification of the
7 requirements for subdivision approval.

8 Section 7. That Title 26 of the Lincoln Municipal Code be amended by adding a
9 new section numbered 26.33.030 to read as follows:

10 **26.33.030 Preliminary Plat Fee.**

11 The following fees shall be charged at the time of filing an application for a preliminary final
12 plat:

13 (a) Filing fee of \$400.00;

14 (b) Unit fee of \$40.00 per lot to a maximum unit fee of \$2,000.00;

15 (c) Notification fee of \$100.00.

16 Section 7. That Title 26 of the Lincoln Municipal Code be amended by adding a
17 new section numbered 26.33.040 to read as follows:

18 **26.33.040 Final Plat Fee.**

19 The following fees shall be charged at the time of filing an application for a final plat:

20 (a) Filing fee of \$100.00;

21 (b) Unit fee of \$10.00 per lot to a maximum unit fee of \$1,000.00;

22 (c) Notification fee of \$100.00 if the subdivider is also requesting a waiver or
23 modification of the requirements for subdivision approval.

1 Section 8. That Title 26 of the Lincoln Municipal Code be amended by adding a
2 new section numbered 26.33.050 to read as follows:

3 **26.33.050 Corrected Final Plat Fee.**

4 A filing fee of \$100.00 shall be charged at the time of filing an application for a corrected
5 final plat.

6 Section 9. That Title 26 of the Lincoln Municipal Code be amended by adding a
7 new section numbered 26.33.060 to read as follows:

8 **26.33.060 Vacated Final Plat Fee.**

9 The following fees shall be charged at the time of filing an application to vacate a final plat:

10 (a) Filing fee of \$100.00;

11 (b) Notification fee of \$100.00.

12 Section 10. That Title 26 of the Lincoln Municipal Code be amended by adding a
13 new section numbered 26.33.070 to read as follows:

14 **26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**

15 The following fees shall be charged at the time of filing an application for a request to
16 amend the conditions of approval for an approved final plat:

17 (a) Filing fee of \$100.00;

18 (b) Notification fee of \$100.00.

19 Section 11. That Title 26 of the Lincoln Municipal Code be amended by adding a
20 new section numbered 26.33.080 to read as follows:

21 **26.33.080 Exemption for City Filing on Its Own Behalf.**

1 No fee shall be required when any action is recommended by the City Council on its own
2 motion or by any person or group officially designated to participate in the administration of this
3 title.

4 Section 12. That Title 26 of the Lincoln Municipal Code be amended by adding a
5 new section numbered 26.33.090 to read as follows:

6 **26.33.090 Changes in Text; Fee.**

7 The filing fee for an application for a change of text in Title 26 of the Lincoln Municipal
8 Code shall be \$195.00.

9 Section 13. That Title 26 of the Lincoln Municipal Code be amended by adding a
10 new section numbered 26.33.100 to read as follows:

1 **26.33.100 General Fees.**

2 The filing fee for an application in connection with Title 26 of the Lincoln Municipal Code
3 not otherwise covered by this chapter shall be \$195.00.

4 Section 14. That Sections 26.33.010 through 26.33.100 be codified as Chapter
5 26.33, titled "Fees."

6 Section 15. That Sections 26.11.015 and 26.11.130 of the Lincoln Municipal Code
7 as hitherto existing be and the same are hereby repealed.

8 Section 16. That this ordinance shall take effect and be in force from and after its
9 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____,
2001:
