

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for January 19, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** Misc #04014

**PROPOSAL:** To amend the text of the Land Subdivision Ordinance in Chapters 26.07, 26.11, 26.15, 26.19, 26.23, 26.27 and 26.31

**CONCLUSION:** In conformance with the Comprehensive Plan.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Examine ways of simplifying the development regulations and supporting documentation to encourage a broader understanding of planning concepts and their relevance to neighborhoods' and businesses' continuity and viability. (F-152)

As these are applied in the future, consideration should be given to the continued use and possible expansion of "fast track" incentives. These incentives allow development proposals to be reviewed, and possibly approved in a shorter period of time than might normally occur. (F-153)

### **HISTORY**

**September 22, 2003** Miscellaneous #03009 to make changes to the Land Subdivision Ordinance that were unintentionally omitted from Miscellaneous #03005 was approved by the City Council.

**August 18, 2003** Miscellaneous #03005 to allow all final plats to be approved by the Planning Director and allow the Planning Commission to approve waivers.

### **ANALYSIS:**

1. This is a request to amend Chapters 26.07, 26.11, 26.15, 26.19, 26.23, 26.27 and 26.31 of the Land Subdivision Ordinance in order to simplify and streamline the development process.
2. The proposed amendments to the subdivision ordinance will delete the requirement that outlots front on a street. Outlots will still be required to have access to a public street or private roadway. Outlots are generally non buildable and are for common open space, recreational facilities, storm water detention, or land reserved for future

development. It is not necessary that they abut a street or private roadway if there is another way to reach the land. (26.07.135)

3. The definition of Major Street as proposed would clarify that not only the maps but also the narrative in the Comprehensive Plan are to be used when determining major streets.
4. The proposed amendments to the subdivision procedures will no longer require two official reviews of a preliminary plat before Planning Commission public hearing. Preliminary plats will be scheduled for Planning Commission, similar to use permits and special permits. This will reduce the processing time by at least 30 days. The review time for other departments to reply to the Planning Department has been reduced from 15 calendar days to 10 calendar days. In exchange for streamlining the process, the City staff will expect more accurate and higher quality applications. (26.11.032)
5. The proposed amendments to the subdivision procedures will change the method for guaranteeing improvements of sidewalks and street trees. The developer shall make a cash contribution to the City in an amount sufficient to pay the cost to install sidewalks and street trees along major streets that have not been improved to an urban cross section. The money shall be held and used to fund installation of street trees and sidewalks in conjunction with construction of the major street. The current ordinance requires that sidewalks and street trees be installed within four years of final plat approval. This will eliminate the need for the developer to request waivers for a time extension when the improvements have not been installed within four years. The business office of the Public Works and Utilities Department indicates that an account or fund can be created so the money will be used only for installing sidewalks and street trees abutting the final plat.(26.11.039)
6. Another proposed change is that sidewalks and street trees along major streets that have been improved to an urban cross section shall be installed within two years of final plat approval. Currently, sidewalks and street trees are required to be installed within four years of final plat approval.(26.11.040)
7. The development community has indicated they would like to eliminate the need to install sidewalks and street trees along outlots reserved for future development. A proposed change would allow the Planning Director to waive the requirement to install sidewalks and street trees until the outlot is final platted into buildable lots. Sidewalks and street trees along outlots not reserved for future development would be installed at the same time the adjacent street is constructed.(26.11.040)

8. Currently, 100 percent of street trees must be installed before the surety is released. A proposed change would allow partial releases of the surety when 50% or 75% of the street trees have been installed. (26.11.040)
9. With the adoption of street impact fees, the subdivider is no longer responsible for the equivalent cost of local street paving of abutting major streets. (26.11.110)
10. The proposed amendment would require the proposed use of the outlot to be shown on the plat and a blank space at the top of the first page of a final plat for use by Register of Deeds. (26.19.031)
11. The Parks & Recreation Department requested that a certified landscape contractor selected by the developer to install street trees be noted on the landscape plan. See attachment for criteria for certified landscape contractor. (26.19.035)
12. Currently, residential lots abutting a major street must have a minimum lot depth of 120 feet. All other residential lots have a minimum lot depth of 90 feet. A proposed change would require a 120 feet minimum lot depth only on double frontage residential lots abutting a major street with less than 60 feet of right-of-way from centerline. Double frontage residential lots abutting a major street with 60 feet or more of right-of-way from centerline shall have a minimum lot depth of 110 feet. (26.23.140)
13. There has been some problems with private improvements, such as detention ponds, being turned over to homeowners association without being completed or installed correctly. The proposed amendment would require a registered professional engineer or nurseryman who supervised installation of said private improvement to certify to the City that the improvement has been installed in accordance with the approved plans and relevant standards. After the installation has been certified the subdivider may turn the maintenance obligation over to the owners association. This does not prevent the creation of the owner association before the installation of the improvements. (26.23.170)
14. The proposed amendment would allow the Planning Director to waive the minimum improvements when no additional lots are created in a subdivision, such as moving a lot line. (26.27.005)
15. The proposed amendment would allow the Planning Director to grant a waiver to the preliminary plat process when the tract to be subdivided is included in a community unit plan, planned unit development, special permit or use permit. Generally, the same information for a preliminary plat is required with a community

unit plan, planned unit development, use permit and special permit and the same departments and agencies review the applications and there will still be public hearings, but the "waiver" will no longer require City Council approval. (26.31.015)

Prepared by:

Tom Cajka

**DATE:** January 5, 2005

**APPLICANT:** Director of Planning Marvin S. Krout

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**CRITERIA FOR CERTIFIED LANDSCAPE CONTRACTORS/NURSERIES INSTALLING STREET TREES, LANDSCAPE SCREENS AND/OR OTHER REQUIRED LANDSCAPING IN THE CITY OF LINCOLN-**

1. Must be a current member and certified professional of the Nebraska Nursery and Landscape Association.
2. Must be licensed according to the Nebraska Administrative Code for Plant Protection and Plant Pest Act if a nursery grower or dealer.
3. Must have participated in annual training session with the City of Lincoln Parks and Recreation Department on how to properly install street trees and other landscaping in accordance with City of Lincoln Standard Specifications, Chapter 31 – Landscape Work, prior to doing such work.
4. Must be able to demonstrate minimum applicable landscape training/skills and landscape installation work experience.
5. Must be able to demonstrate successfully completed landscaping projects similar in scope and scale.
6. Must install street trees and/or landscape screens in accordance with Chapter 12.20 of the Lincoln Municipal Code, City of Lincoln Design Standards for Street Trees and Screening, and City of Lincoln Standard Specifications, Chapter 31 – Landscape Work.
7. Must comply with the public liability insurance requirements set forth in Chapter 5.58 of the Lincoln Municipal Code when doing landscaping work on public property.

**IMPROVEMENTS****INSTALLER/Time to install****SURETY****Sidewalks**

Sidewalk along major street that has not been improved to urban standards

City/ when street is improved

Cash to the City

Sidewalk along major streets that are improved to urban standards

Developer/ 2 years

Surety

Sidewalks along non-major streets

Developer/Occupancy permit and 4 years

Surety\*

Outlots not reserved for future development and pedestrian ways

Developer/when street is surfaced

Surety\*

Outlots reserved for future development

Developer/ The Planning Director may waive improvement until the outlot is final platted

Surety\*\*

**Street Trees**

Street trees along major street that has not been improved to urban standards

City/ when street is improved

Cash to the City

Street trees along major streets that are improved to urban standards

Developer/ 2 years

Surety

Street trees along non-major streets

Developer/4 years

Surety

Outlots not reserved for future development

Developer/when street is surfaced

Surety

Outlots reserved for future development

Developer/ The Planning Director may waive improvement until the outlot is final platted

Surety\*\*

Street trees on final plats with ten or fewer lots.

Parks & Rec.

Cash to the City

\* Escrow is figured at 25% of the estimated cost of sidewalk construction

\*\* Escrow may be waived until Outlot is developed.

## 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  
3 revise the definition of outlot; amending Section 26.07.145 to revise the definition of private  
4 roadways to allow private roadways in planned unit developments; amending Section 26.07.190 to  
5 revise the definition of major street to only include those streets shown in the comprehensive plan  
6 as arterials; repealing Section 26.11.020; amending Section 26.11.030 to require the Planning  
7 Director to distribute copies of preliminary plats and accompanying data to departments and  
8 governmental agencies for review and to reduce departmental or governmental agency review of  
9 preliminary plats from fifteen days to ten days; amending Section 26.11.032 to add provisions for  
10 filing preliminary plats and scheduling hearings before the Planning Commission and repealing the  
11 provision requiring the subdivider to provide a written response to the Planning Director's  
12 recommendation on the preliminary plat; repealing Section 26.11.033 relating to modification of the  
13 preliminary plat procedures; amending Section 26.11.036 to delete a reference to repealed Section  
14 26.11.033; amending Section 26.11.038 to provide that approval of the preliminary plat also allows  
15 the subdivider to proceed with the installation of street lighting and street name signs; amending  
16 Section 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  
20 26.11.110 to repeal provisions requiring the subdivider to be responsible for the equivalent cost of  
21 local street paving in a major street and deleting the annotation appearing in the Lincoln Municipal  
22 Code following Section 26.11.110; amending Section 26.15.015 to require that the proposed use of  
23 an 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  
25 space be left at the top of the first page of the final plat; amending Section 26.19.035 to require the

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

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

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

15 **26.07.135 Outlot.**

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

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

23 **26.07.145 Private Roadway.**

24 Private roadway shall mean a designated area on an approved special permit, use permit,  
25 planned unit development, or subdivision, that is privately owned and that is used or intended to be  
26 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  
2 read 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  
21 read 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  
2 read 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  
8 general 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  
11 property. Said notice shall be posted at least eight days in advance of the hearing. It shall be  
12 unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the hearing  
13 time; and

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

25           Section 9. That Section 26.11.038 of the Lincoln Municipal Code be amended to  
26 read 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;  
5 ~~except street lighting and street name signs.~~ No person shall engage in the grading or disturbance  
6 of any land one acre or greater in size without first submitting a drainage and grading plan setting  
7 forth the 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  
12 or engineer has submitted a written statement with the seal of the professional to the Director of  
13 Public Works and Utilities that the grading and shaping of the land to be developed has been  
14 completed in conformance with the grading shown on the preliminary plat, the drainage study, and  
15 the final street grades. In addition, no utility or improvement shall be installed or constructed within  
16 the Acreage Development Component of a community unit plan located in the BTA Overlay District  
17 until the entire area of the Acreage Development Component has been graded and the subdivider's  
18 licensed surveyor or engineer has submitted a written statement with the seal of the professional to  
19 the Director of Public Works and Utilities that the grading and shaping of all the land within the  
20 Acreage Development Component has been completed in conformance with the grading shown on  
21 the transitional preliminary plat, the drainage study and the final street grades. The Director of  
22 Public Works and Utilities may approve the grading, installation, and construction in phases. Also,  
23 no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles  
24 and specifications, are prepared by the appropriate city department or submitted by the subdivider  
25 to the appropriate city department and other governmental agencies required by law, and approval  
26 is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks,  
27 public water systems, public wastewater works, storm drains, and drainage systems, land preparation

1 and grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted  
2 to 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  
8     for public improvements within the corporate limits of the city at the sole option of the city, and  
9     shall be used for only the completion of street paving, public water systems, public wastewater  
10    works, and street lighting. Provided, however, the approved final plat shall not be recorded in the  
11   office of the 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  
15 agreement is less than the actual cost of the installation of the improvements, the subdivider shall  
16 be responsible for the payment of any such additional costs of the improvements. No surety bond  
17 or other security 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  
22 not 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. All other street trees, except adjacent to  
23 outlots reserved for future development, within four years of final plat approval.

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

1 (e h) Street lights on the side of the streets and private roadways within and which abut  
2 the 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 (e 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  
5 proposed final plat and accompanying documents to be distributed to the Director of Public Works  
6 and Utilities and other city departments and governmental agencies who are directly concerned with  
7 the 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  
17 should be conditionally approved, the notification shall set forth all conditions of approval and the  
18 amount 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  
11 for signing by the Chairman of the Commission. Thereafter, such plat shall be processed in accor-  
12 dance 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~~  
2 ~~dollar amount of city participation for a particular subdivision shall be certified to the Commission~~  
3 ~~by the 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~~  
16 ~~benefits conferred by the improvement upon the property assessed.~~

17 ~~Id.~~

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

20 **26.15.015 Information on a Preliminary Plat.**

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

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

25 (a) Name of the subdivision. The name of the subdivision shall not duplicate or  
26 approximate the name of an existing subdivision within Lancaster County unless the subdivision is

1 adjacent to that existing subdivision and is an expansion thereof. The distinction shall be made by  
2 adding the suffix "1st addition" to the first duplication of the name, and then continuing in sequence.

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

5 (c) Contour lines based on NAVD 1988 and at sufficient intervals, not to exceed five  
6 feet, to duplicate adequately the existing and proposed topography and land form within and  
7 adjacent to the subdivision. The scaled distance between contour lines shall not exceed 200 feet.  
8 Notwithstanding the above, contour lines shown on preliminary plats submitted before March 1,  
9 2000 may be in either city datum or NAVD 1988.

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

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

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

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

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

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

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

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

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

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

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

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

25 (4) The results of the preliminary tests required above shall in no way be con-  
26 strued to constitute a guarantee by the city of the quantity or quality of water to individual lots in

1 the proposed subdivision, and the data obtained from these tests shall not be used to imply that an  
2 adequate quantity or acceptable quality of water is available in the proposed subdivision.

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

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

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

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

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

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

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

24 **26.19.031 Data Required on a Final Plat.**

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

26 (1) All survey and mathematical information with sufficient linear, angular, and  
27 curve data necessary to locate all existing and placed monuments and stakes, and to locate and

1 retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision.  
2 Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of all  
3 common lines and the street centerline points shall be shown and any differences in measurements  
4 so noted.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) Scale.

18 (3) North arrow.

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

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

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

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

26 **26.19.035 Additional Information Required.**

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

1 (a) A statement from the subdivider indicating:

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

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

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

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

14 (c) The proposed species and location of trees for each street and private roadway within  
15 and adjacent to the subdivision, including the common and botanical name, size at planting, method  
16 of handling, and the quantity of each species. The name of the certified landscape contractor  
17 selected by the subdivider to install street trees shall be noted on the landscape plan.

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

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

22 **26.23.140 Lot.**

23 (a) Minimum lot width and area requirements shall conform to the zoning ordinance,  
24 Title 27 of this code. Double frontage Rresidential lots abutting permitted under subparagraph (e)  
25 below which abut a major street with at least 60 feet of right-of-way from the centerline of the street  
26 shall have a minimum depth of ~~120~~ 110 feet. Double frontage residential lots permitted under  
27 subparagraph (e) below which abut a major street with less than 60 feet of right-of-way from the

1 centerline of the street shall have a minimum lot depth of 120 feet. ~~and~~ The minimum depth of all  
2 other residential lots shall be ninety feet, except where the existing lot does not meet this  
3 requirement and the lot depth is not further reduced. Any lot in the O-1, O-2, O-3, B-1, B-2, B-3,  
4 B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 districts which has a minimum width of at least 100  
5 feet shall have a maximum depth of five times its width. Any other lot shall have a maximum depth  
6 of three times its width. However, the Planning Director may modify this requirement where the  
7 lot is occupied or intended to be occupied by a portion of a duplex or townhouse structure. An  
8 existing lot which does not comply with said lot width-to-depth ratios may be subdivided so as to  
9 increase such lot's width, decrease such lot's depth, or both, even though such lot does not thereafter  
10 fully comply with the 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  
26 to the major street and place covenants and restrictions upon the land to run with the land  
27 relinquishing said access as approved by the City Attorney's office.

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

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

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

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

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

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

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

25 Section 19. That Section 26.23.170 of the Lincoln Municipal Code be amended to read  
26 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  
13 and 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  
22 approval 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:\CODE\ERP\Land Subdivision Changes 2005.wpd

Approved this \_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_

Mayor