

## **CHAPTER 9 – MUNICIPAL PLANNING**

### **ARTICLE 1 – MUNICIPAL LIMITS**

- 9-101 DEFINED**
- 9-102 ORIGINAL PLATS**
- 9-103 APPROVAL OF PLAT**
- 9-104 RECORDING PLAT**

### **ARTICLE 2 – SUBDIVISION REGULATIONS**

- 9-201 TITLE**
- 9-202 PURPOSE**
- 9-203 DEFINITIONS**

### **ARTICLE 3 – GENERAL PROVISIONS**

- 9-301 SUBDIVISION PLAT; WHEN REQUIRED**
- 9-302 ADMINISTRATION**
- 9-303 PLATTING PROCEDURE**
- 9-304 FINAL PLATTING PROCEDURE**
- 9-305 SUBMISSION TO SCHOOL BOARD**
- 9-306 SUBDIVISION WITHIN THE FLOOD PLAIN**
- 9-307 PROFESSIONAL ASSISTANCE**
- 9-308 FEES**

### **ARTICLE 4 – FINAL PLAT**

- 9-401 FORM**
- 9-402 CERTIFICATES AND ACKNOWLEDGMENTS**
- 9-403 DATA REQUIRED**
- 9-404 SURVEY REQUIREMENTS**
- 9-405 DESIGN STANDARDS**
- 9-406 CONFORMITY TO THE COMPREHENSIVE PLAN**
- 9-407 RELATION TO ADJOINING STREET SYSTEM**
- 9-408 STREET WIDTHS**
- 9-409 STREET LOCATION**
- 9-410 STREET OFFSETS**

### **ARTICLE 5 – PLATTING INFORMATION**

- 9-501 ALLEYS**
- 9-502 STREET NAMES**
- 9-503 EASEMENTS**
- 9-504 BLOCK SIZES**

### **ARTICLE 6 – REQUIRED IMPROVEMENTS**

- 9-601 STREETS**

- 9-602 SIDEWALKS**
- 9-603 STREET GRADING**
- 9-604 STORM SEWERS OR DRAINAGE WAYS**
- 9-605 WATER MAINS**
- 9-606 SANITARY SEWER**
- 9-607 TIME OF INSTALLATION**
- 9-608 COSTS OF INSTALLATION**
- 9-609 OTHER IMPROVEMENTS**

## **ARTICLE 7 – VARIANCES**

- 9-701 VARIANCES**

## **ARTICLE 8 – ENFORCEMENT, SEVERABILITY AND AMENDMENTS**

- 9-801 ENFORCEMENT**
- 9-802 SEVERABILITY**
- 9-803 AMENDMENTS**
- 9-804 SALE OF REAL ESTATE**
- 9-805 PERMIT ISSUANCE**

## **ARTICLE 9 – APPLICATION**

- 9-901 SINGLE BUILDING PER LOT**
- 9-902 PLAT REQUIRED**
- 9-903 EXISTING UNDEVELOPED SUBDIVISIONS**
- 9-904 BURIAL LOTS EXCEPTION**

## **ARTICLE 10 – COMPREHENSIVE PLAN**

- 9-1001 ADOPTED**

## **ARTICLE 11 – PENAL PROVISION**

- 9-1101 VIOLATION; PENALTY**

# **CHAPTER 9 – MUNICIPAL PLANNING**

## **Article 1 – Municipal Limits**

### **SECTION 9-101: DEFINED**

All additions, lots, lands, subdivisions and parcels of ground included within the official municipal map and plat on file at the office of the county register of deeds, having been by act or ordinance of the City Council or by law duly annexed to or made a part of this city, or having been by the act, authority, acquiescence, consent, platting and dedication of their respective owners created either as the original townsite or as additions to the City, are hereby declared to be within the corporate limits of the City. Lawfully constituted additions or changes in said city limits shall be indicated upon said maps and plat by the city engineer after such addition or change has been completed in accordance with the ordinances of this City and the laws of the State of Nebraska. (Ref. Neb. Rev. Stat. Sec. 17-405 through 17-426, 17-1002, 17-1003)

## **SECTION 9-102: ORIGINAL PLATS**

Each and all plats, lots, blocks, additions, subdivisions, outlots and parcels of ground included within the corporate limits of the City and not vacated of record prior to the enactment of this chapter, including the original plat of the City, are hereby accepted, approved and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions and outlots as heretofore platted and recorded in the office of the county register of deeds, and not heretofore vacated, and all other parcels of ground included within said corporate limits, are hereby declared to be within said city and an integral part thereof. (Ref. Neb. Rev. Stat. Sec. 17-405 through 17-426, 17-1002, 17-1003)

## **SECTION 9-103: APPROVAL OF PLAT**

A. Before any such map or plat shall have any validity, it must first be submitted to and approved and accepted by the City Council or by its designated agent when the subdivision is of existing lots and blocks, where all required public improvements have been installed, no new dedication of public rights-of-way or easements are involved, and the subdivision complies with requirements concerning minimum areas and dimensions of such lots and blocks. Where the County has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the County, then the County Planning Commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the Commission shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

B. The map or plat must have such acceptance and approval endorsed thereon; provided that before any such map or plat shall be considered, approved or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes, and special assessments due thereon and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled.

(Ref. Neb. Rev. Stat. Sec. 17-405, 17-1002, 19-902)

## **SECTION 9-104: RECORDING PLAT**

If a majority of all members of the City Council shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the City Council granting such approval, or declaring the annexation of such territory to the corporate limits of this city and extending the limits thereof accordingly, whichever is appropriate. An accurate map or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the register of deeds of the County, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of said city; provided that no plat of any subdivision within the application of this ordinance shall be entitled to be filed or recorded in the office of the register of deeds or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by this ordinance. (Ref. Neb. Rev. Stat. Sec. 17-405, 17-416, 17-417, 17-1002, 19-902)

## **Article 2 – Subdivision Regulations**

## **SECTION 9-201: TITLE**

This article shall be known, referred to and cited as the "Land Subdivision Ordinance" of the City of Neligh.

## **SECTION 9-202: PURPOSE**

The purpose of this ordinance is to provide for the harmonious development of the City and its environs; to prescribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities with subdivisions with other features of the comprehensive plan so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

## **SECTION 9-203: DEFINITIONS**

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this article shall govern the construction, meaning and application of words and phrases used in this chapter. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is derivative, as the case may be. All words in the singular shall include the plural, and in the plural shall include the singular. Each gender shall include the other. Each tense shall include the other tenses.

"Alley" shall mean a public way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

"Block" shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplotted lands, or a combination thereof.

"City" shall mean the City of Neligh, Nebraska.

"Council" shall mean the City Council of Neligh, Nebraska.

"Clerk" shall mean the city clerk of the City of Neligh, Nebraska.

"Code" shall mean the Neligh Municipal Code.

"Commission" shall mean the City of Neligh Planning Commission.

"Community waste water system" shall mean any system, whether publicly or privately owned, serving two or more individual lots, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

"Community water system" shall mean any system, including various devices to supply the water, whether publicly or privately owned, serving two or more individual lots, supplying an adequate amount of potable water to the occupant of the lot or lots.

"Comprehensive plan" shall mean the general plan and zoning map for the improvement and development of the City adopted as required by the applicable state statutes.

"Cul-de-sac" shall mean a local street which terminates in a permanent turn around and

which by design is not intended to continue beyond its terminal point.

"District" shall mean the section of the zoning jurisdiction for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land and open space about which buildings are established.

"Engineer" shall mean any person who is designated by the City to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

"Floodplain" shall mean those lands within the zoning jurisdiction of the City which have been or may hereafter be covered by flood water as designated by the U.S. Army Corps of Engineers or other federal or state agencies empowered by federal or state laws to designate such areas.

"Frontage" shall mean that portion of a parcel of property which abuts a public street.

"Individual sewage disposal system" shall mean a sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from one or more individual lots. Included within the scope of this definition are sewage stabilization ponds, septic tank soil absorption systems, and chemical-type systems similar in nature to those specified herein.

"Individual water well system" shall mean a water system, including various devices to supply the water, other than a public or community water system, which supplies adequate potable water to one lot only.

"Lot" shall mean a portion of real property containing not less area than required by the zoning district in which it is or was located, having a separate and distinct number or other designation shown on the official plat recorded in the office of the county clerk of Antelope County.

"Monument" shall mean permanent concrete monument with a brass cap or three-fourths inch iron pipe 30 inches long or one-half inch reinforcing steel 30 inches long used to establish definitely all lot corners, boundary line corners and points of change in street alignment in the survey plat of a subdivision.

"Outlot" shall mean a parcel of real property having the same definition as a "lot" as defined hereinbefore, a lot or parcel of land lying outside of the corporate limits of the City but subject to its municipal jurisdiction and control.

"Plat" shall mean a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he/she intends in final form to record.

"Sewer Department" shall mean the Sewer Department of the City of Neligh.

"Subdivision" shall mean the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose of ownership, building development and designation.

"Major street" shall mean a freeway, expressway or arterial, as adopted by the City consistent with Nebraska law.

"Collector street" shall mean a street that is used or intended to be used to congregate

traffic from several local streets and to route such traffic to a major street.

"Dead end street" shall mean a street which is terminated at the boundary line of the subdivision or corporate limits.

"Local street" shall mean any public street that is used or intended to be used for the principal purpose of serving as access to abutting property.

"Water Department" shall mean the Water Department of the City of Neligh.

"Zoning administrator" shall mean the representative of the City authorized and empowered to administer the requirements of these Subdivision Regulations.

## **Article 3 – General Provisions**

### **SECTION 9-301: SUBDIVISION PLAT; WHEN REQUIRED**

A. It shall be unlawful for the owner, agent or person having control of any land within the corporate limits of the City or within the one mile zoning jurisdiction of its corporate limits to subdivide land except in accordance with the Revised Statutes of Nebraska, as amended from time to time, and the provisions of this chapter.

B. A division of land within an approved subdivision plat of existing lots and blocks, when all required public improvements have been installed and no dedication of public rights-of-way or easements are involved, does not require a subdivision plat pursuant to this chapter.

C. A division of land into tracts of ten acres or more does not require a subdivision plat pursuant to this chapter.

D. A division of land where the tract to be subdivided is:

1. Less than three acres and previously unplatted into lots and blocks;
2. Does not involve new dedication of public rights-of-way or easements;
3. Is not a development for the purpose of selling more than one lot;
4. Is not practicable to be developed for the purpose of selling more than one lot; and
5. The tract to be divided has never had any portion thereof divided previously without compliance with these subdivision regulations, nor was it a tract previously without compliance with these subdivision regulations, nor was it a tract previously divided from a larger tract without compliance with these subdivision regulations, does not require a subdivision plat pursuant to this chapter.

E. All of the above requirements must be met by the tract for it to be exempted from requiring a subdivision plat. However, if said tract should fail to meet any one requirement, a subdivision plat, pursuant to this chapter, shall be required.

### **SECTION 9-302: ADMINISTRATION**

The City Council is hereby empowered to approve subdivisions under the following conditions:

A. Required easements for utilities, drainage and other improvements are provided for.

B. The City Council may require the posting of bonds or an escrow or security agreement to guarantee the installation of required improvements.

C. All topographic and other information requested shall be provided by the subdivider.

D. Where individual water or sewer systems are required, the plans shall be subject to the approval of the City Council.

E. The subdivider shall provide evidence that all taxes are paid on all property within said plat, including that property dedicated to public use.

F. The subdivider shall pay all fees for filing the plat at the city offices, county offices or any other place filing may be necessary.

G. The subdivider shall submit an accurately drawn plat or plan showing the proposed lots and their dimensions. Said plat shall be certified by a registered land surveyor for the proposed subdivision and that each lot corner has been well and accurately staked and marked.

H. The subdivision has complied with all platting requirements set forth in this chapter.

### **SECTION 9-303: PLATTING PROCEDURE**

A. *Preliminary Plat Submission.* Three copies of the preliminary plat and supplementary materials as specified along with written application for conditional approval shall be submitted to the Planning Commission and the city clerk at least seven days prior to the Planning Commission meeting in which it is to be considered. The preliminary plat shall generally and sufficiently conform to the requirements of the final plat so that adequate review may be made by the Planning Commission and City Council.

B. *Planning Commission Approval/Rejection.* The Planning Commission shall review the preliminary plat and, within 30 days of its meeting, recommend to the City Council the rejection or conditional approval of the preliminary plat in writing.

C. *Recording of Action by Planning Commission.* The action of the Planning Commission shall be noted in the minutes of the meeting where the action was taken.

D. *Mayor and City Council Approval/Rejection.* The mayor and City Council, upon receiving the recommendations of the Planning Commission, or if the Commission's meeting or any extension thereof shall have passed and no recommendation has been received from the Planning Commission, shall by resolution grant approval to or reject the preliminary plat along with any recommendations of the Commission.

E. *Approval is Conditional.* Approval of the preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the submitted plat as a guide for the preparation of the final plat.

## **SECTION 9-304: FINAL PLATTING PROCEDURE**

A. *Final Plat Submission Requirements.* Five copies of the final plat shall be submitted to the City within six months of the approval of the preliminary plat, unless an extension is granted by the City Council. Reasonableness of necessity, length of extension and allowance of said extension shall be at the sole discretion of the City Council. The final plat shall generally conform to the preliminary plat as approved and to the requirement of all applicable ordinances and state laws.

B. *Planning Commission Recommendations.* The copies of the final plat shall be submitted to the Planning Commission at least ten days prior to a Commission meeting. Upon review and consideration, the Commission shall approve or reject the final plat and prepare a recommendation for submission to the City Council for approval or rejection of the final plat. All reasons for recommending rejection shall be clearly stated.

C. *City Council Action.* Upon receipt of the Commission's recommendations, the City Council shall hold a public hearing for final approval and adoption or rejection to the final plat. Prior to said public hearing, the City Council shall prepare a notice and cause the same to be published at least once in the official newspaper at least three days before the public hearing. Said notice shall contain the locations of land, the name of the proposed subdivision and the date of the public hearing. Upon rejection of the final plat, written notification shall be given to the subdivider within 30 days of the public hearing with reasons for rejection clearly stated. Upon approval of the final plat, a certification of approval signed by the mayor and attested by the city clerk shall be fixed to the original of the final plat. The City shall file said approved plat in the office of the county clerk of Antelope County, Nebraska, within 15 days from the date it is approved or receipt of filing fees from subdivider. Filing fees shall be paid in advance by the subdivider.

## **SECTION 9-305: SUBMISSION TO SCHOOL BOARD**

At least ten days prior to any approval on the preliminary or final plats by the Planning Commission, a copy of each preliminary or final plat shall be submitted to the school board of each district in which the real estate is located for their consideration and recommendations. The board shall recommend in writing to the Planning Commission that such plat be approved or disapproved in whole or part or with such changes as may be desirable. This recommendation shall be advisory, and failure of the Board of Education to make written recommendation shall be construed as an approval of the proposal submitted.

## **SECTION 9-306: SUBDIVISION WITHIN THE FLOOD PLAIN**

There shall be no platting or subdivision of land allowed by the City within the area defined as a flood plain, except as provided for in the regulations establishing the flood plain area.

## **SECTION 9-307: PROFESSIONAL ASSISTANCE**

The City Council or Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

## **SECTION 9-308: FEES**

The subdivider shall pay a fee in an amount to be set from time to time by resolution of the City Council to the City of Neligh at the time of filing the preliminary plat. The subdi-



vider shall pay a fee in an amount to be set from time to time by resolution of the City Council to the City of Neligh at the time of filing the final plat. These fees shall not be refundable to developer in the event either the preplat or final plat is not approved due to fixed costs incurred by the City for processing plat filings.

## **Article 4 – Final Plat**

### **SECTION 9-401: FORM**

A. The size of each sheet of said final plat shall be an appropriate and reasonable size to provide for ease of reading and handling. All lots and, wherever practicable, blocks, in their entirety, shall be shown on one sheet.

B. Said final plat shall be accurately, clearly and legibly drawn in black, waterproof India ink or photographed upon good tracing cloth or mylar and affidavits, certificates and acknowledgements shall be legibly lettered and printed upon the final plat with opaque ink. All signatures shall be in black opaque ink.

C. A marginal line shall be drawn around each sheet leaving a blank margin of one-half inch.

D. The scale of the final plat shall be in one of the following dimensions only:

1. 1 inch equals 20 feet;
2. 1 inch equals 30 feet;
3. 1 inch equals 40 feet;
4. 1 inch equals 50 feet;
5. 1 inch equals 60 feet;
6. 1 inch equals 100 feet.

The scale selected shall be sufficient to show all details clearly, using as many sheets as required to accomplish this end.

E. If more than one sheet is used, the particular number of the sheet and the total number of sheets comprising the total for the final plat shall be stated on each sheet. An index sheet at whatever scale necessary to conform to sheet size may be required.

F. The boundary of the subdivision shall be indicated by a dotted line drawn on the final plat. All lines shown on the final plat which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines that are a part of the subdivision.

### **SECTION 9-402: CERTIFICATES AND ACKNOWLEDGEMENTS**

The final plat shall show the following certificates and acknowledgments:

- A. Owner's acknowledgment and dedication, if any.
- B. Certificate of county treasurer that all taxes are paid.
- C. Certificate of surveyor.
- D. Certificate of approval of Planning Commission.
- E. Certificate of city clerk showing approval by the City Council and acceptance of dedication.

F. All affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law and the provisions of this chapter.

### **SECTION 9-403: DATA REQUIRED**

The final plat will show all survey and mathematical information, and any data necessary to locate all monuments and locate or retrace any and all interior and exterior boundary lines appearing thereon, including overall dimensions on the final plat, shall be to the nearest one-hundredth of a foot.

A. The final plat shall contain the following information:

1. Location, names and widths of all proposed streets, highways and other public ways in the subdivision to be offered for dedication to the public;
2. Location and widths of all proposed easements for drainage, sewage and other utilities;
3. Number and dimensions of all lots and blocks;
4. Proposed public area for parks and playgrounds;
5. Lot numbers, which shall begin with the number "one" and shall continue consecutively through the block with no omission or duplication, and no block designation duplicated. Letters shall be used to designate outlots;
6. The location and dimensions of all lot lines and boundary lines of any parcels, other than streets, which are to be dedicated or reserved for public use shall be shown and said parcels shall be designated as outlots and assigned an alphabetical description;
7. Sufficient linear, angular and curve data shall be shown to determine the bearing and length of boundary lines of the subdivision, and the boundary lines of every block, lot and parcel which is a part thereof and the curve data of all horizontal street curves;
8. Where the land being subdivided abuts on an existing plat, the existing plat, the distances and bearing of any common lines shall be shown and any differences in measurements noted;
9. Where lot corners are rounded at street intersections, the length of tangents shall be shown;
10. Where lot lines abut curvilinear streets, arc distances shall be shown for lot lines abutting said streets;
11. All lot lines shall be clearly shown;
12. Building setback distances, which shall not be less than that adopted in the zoning ordinance;
13. Legal description of the proposed subdivision, including acres.

B. The following data shall be shown on each sheet of the final plat:

1. The name of the subdivision; the use of second, third, etc. for additions or subdivisions shall be made in sequence only if the final plat is located adjacent to a plat with the same name;
2. Scale;
3. North arrow;
4. Sheet number and the total number of sheets comprising the final plat.

C. Accompanying the final plat, the following information shall be submitted to the city clerk:

1. Name, address and telephone number of the subdividers;
2. Name and address of record owner or owners;
3. Statement of present zoning and use, and proposed use or uses of the property.

#### **SECTION 9-404: SURVEY REQUIREMENTS**

A land survey is required to support the final plat. The final plat shall include a certificate signed by a registered land surveyor certifying that he/she has accurately surveyed the subdivision and attesting to the accuracy of the survey, the correct location of all permanent survey monuments shown and that the lots, blocks, streets, alleys, public ways and grounds are staked and marked with permanent monuments and street stakes as required prior to the approval of the final plat.

#### **SECTION 9-405: DESIGN STANDARDS**

The general requirements and minimum standards of design and development set forth in this article are hereby adopted as the minimum requirements and standards to which a subdivision and plat thereof must conform prior to approval.

#### **SECTION 9-406: CONFORMITY TO THE COMPREHENSIVE PLAN**

The subdivision shall conform to and be in harmony with the Comprehensive Plan and the Zoning Regulations.

#### **SECTION 9-407: RELATION TO ADJOINING STREET SYSTEM**

The streets in a subdivision shall be aligned with existing streets in the adjoining subdivision. Where there are no adjoining subdivisions, the subdivider shall provide for projection of streets from the subdivision into future adjoining subdivisions.

#### **SECTION 9-408: STREET WIDTHS**

A. The width of all street rights-of-way shall conform to the widths prescribed herein and shall be determined pursuant to the Comprehensive Plan.

B. The minimum right-of-way classification widths for streets, alleys and pedestrian ways shall be as follows:

1. Arterials, 100 feet;
2. Collectors, 60 feet;
3. Locals, 50 feet;
4. Cul-de-sac, 50 feet (radius);

5. Alleys, 20 feet;
6. Pedestrian way, 10 feet.

#### **SECTION 9-409: STREET LOCATION**

The location of major streets and alleys shall be such as to provide convenient access to adjoining property.

#### **SECTION 9-410: STREET OFFSETS**

"T" intersections shall be offset a minimum of 125 feet centerline to centerline, except that under certain conditions the City may grant an exception.

### **Article 5 – Platting Information**

#### **SECTION 9-501: ALLEYS**

Alleys shall be provided in a residential block, except that the City Council may waive this requirement where other definite and assured provisions are made for sanitary sewer, storm sewer, water mains, electric lines and other utilities.

#### **SECTION 9-502: STREET NAMES**

All public streets shall be named or numbered as follows:

A. Where streets are an extension of existing streets, the existing street name shall be used.

B. All diagonal or curvilinear streets shall be named.

C. The name of cul-de-sacs shall be given the suffix "circle," "court," or "place."

#### **SECTION 9-503: EASEMENTS**

A 20-foot easement shall be provided and dedicated where necessary for sanitary sewer, storm sewer, water mains, electric lines and other utilities.

#### **SECTION 9-504: BLOCK SIZES**

A. Block lengths shall not exceed 1,320 feet.

B. Block widths shall not exceed 420 feet, except when they shall conform to adjoining blocks.

C. The lot arrangement and design of the subdivision shall be such that all lots shall provide satisfactory and desirable building sites properly related to topography and the character of the surrounding development.

### **Article 6 – Required Improvements**

## **SECTION 9-601: STREETS**

The grading, paving and installation of curbs, gutters, and drainage facilities for all streets, alleys and other public ways shall be done in accordance with the adopted design standards of the City or as approved by the city engineer.

## **SECTION 9-602: SIDEWALKS**

A. Prior to a building permit being issued when sidewalks are required, the building permit applicant shall deposit with the city clerk a deposit in an amount to be set from time to time by resolution of the City Council for the total length of the sidewalk to be installed at the new construction site. Upon inspection and written approval of the installed sidewalk(s) by the street commissioner, the deposit shall be returned to owner. In the event the building permit expires, the deposit shall be returned to the owner. Sidewalks are to be completed prior to occupancy or sale of the new structure, unless written extension is given by the street commissioner due to weather conditions, but said extension shall not be for more than an additional four months.

B. In the event the sidewalk is not completed as provided herein, the City may proceed to install the sidewalk and apply the deposit of owner to the cost of the sidewalk construction. In the event the cost exceeds the deposit, the owner shall immediately reimburse the City for the additional cost. Any excess deposit shall be refunded to owner.

## **SECTION 9-603: STREET GRADING**

Prior to any residential or commercial construction, all streets and alleys located within the boundary of the subdivision shall be graded to their full width and grade as approved by the city engineer, and they shall be temporarily surfaced with crushed rock or gravel.

## **SECTION 9-604: STORM SEWERS OR DRAINAGE WAYS**

Prior to any residential or commercial construction, the subdivider shall provide either storm sewers or drainage ways within the subdivision subject to the recommendation of the city engineer and approval of the Planning Commission and Council as to adequacy.

## **SECTION 9-605: WATER MAINS**

Where city water is accessible within 400 feet of any boundary of the final plat, the subdivider at its cost shall connect thereto prior to any residential or commercial construction and provide adequate lines and stubs to benefit each lot within the area for improvement approved by the City. When city water is not accessible within 400 feet of any boundary of the final plat, but where plans for installation of city water within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider at its expense shall be required to install water lines in conformity with such plans, prior to any construction within said subdivision. The location of fire hydrants with appropriate notations shall be shown on the water utility plan.

## **SECTION 9-606: SANITARY SEWER**

Where city sanitary sewer is accessible within 400 feet of any boundary of the final plat,

the subdivider at its cost shall connect thereto prior to any residential or commercial construction and provide adequate sewer lines and stubs to benefit each lot. When city sanitary sewer is not accessible within 400 feet of any boundary of the final plat, but where plans for the installation of city sanitary sewer within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider at its expense shall be required to install sewer lines in conformity with such plans, prior to any construction within said subdivision.

#### **SECTION 9-607: TIME OF INSTALLATION**

All required improvements, unless otherwise specified herein, shall be made prior to any construction in the boundaries of the subdivision. The developer, upon request and approval by the Commission and City Council, shall not be required to install said improvements within the entire boundaries of the subdivision, but shall only be required to install improvements in the area currently to be developed, prior to any construction. The developer shall be required to install all improvements within the subdivision where construction is taking place or is to take place. The Commission and City Council shall make the final determination regarding the extent of the required improvements to be installed, taking into consideration all reasonable factors including, but not limited to, the best interest of the City, the extent of construction or planned construction and economic costs.

#### **SECTION 9-608: COSTS OF INSTALLATION**

All required improvements shall be at the developer's expense, including any engineering services incurred by the City for required supervision and direction of installations.

#### **SECTION 9-609: OTHER IMPROVEMENTS**

The City Council, upon recommendation of the Planning Commission, may require the installation of street lights, street signs, street trees or any other improvements which they may deem necessary for the adequate development of the subdivision. This determination shall be made at the time of the approval of the final plat.

### **Article 7 – Variances**

#### **SECTION 9-701: VARIANCES**

Whenever a tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardships or injustice, the City Council, after recommendations from the Planning Commission, may vary or modify such platting requirements so that the property may be developed in a reasonable manner.

### **Article 8 – Enforcement, Severability and Amendments**

#### **SECTION 9-801: ENFORCEMENT**

The designated representative of the City responsible for zoning administration shall have the primary responsibility for enforcement of this article.

## **SECTION 9-802: SEVERABILITY**

Each section and subdivision of a section of this chapter is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this chapter is concerned. The invalidity of any section or subdivision of a section of this chapter shall not invalidate any other section or subdivision of a section thereof.

## **SECTION 9-803: AMENDMENTS**

Any provision of these regulations from time to time may be amended, supplemented, changed, modified or repealed by the City Council according to law; provided, however, that such amendments, supplement, changes, modification or repealed provisions shall not become effective until after study and report by the Planning Commission.

## **SECTION 9-804: SALE OF REAL ESTATE**

It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision within the application of this ordinance unless said plan, plat or replat shall have first been approved as prescribed by this ordinance and filed and recorded in the office of the register of deeds.

## **SECTION 9-806: PERMIT ISSUANCE**

No permit shall be issued for any structure on a site or tract of land which is not a lot of record at the time of the effective date of this ordinance or which has not been approved or recorded in accordance with the provisions of this ordinance.

# **Article 9 – Application**

## **SECTION 9-901: SINGLE BUILDING PER LOT**

Each separate principal building within the planning jurisdiction of the City shall be situated on a separate and single subdivided lot of record, unless otherwise provided in the zoning regulations for the City.

## **SECTION 9-902: PLAT REQUIRED**

No subdivision of land shall be permitted within the city zoning jurisdiction unless a plat is approved in accordance with provisions of these regulations.

## **SECTION 9-903: EXISTING UNDEVELOPED SUBDIVISIONS**

These regulations shall apply not only to subdivisions as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivision is concerned, to those subdivisions or parts thereof already platted and approved, which are undeveloped, wholly or partially.

## **SECTION 9-904: BURIAL LOTS EXCEPTION**

These regulations shall not apply to subdivision of burial lots in cemeteries.

## **Article 10 – Comprehensive Plan**

### **SECTION 9-1001: ADOPTED**

In order to accommodate anticipated long-range future growth, the Comprehensive Development Plan for the City of Neligh, Nebraska, as prepared by representatives of the City of Neligh with the assistance of the State Office of Planning and Programming, has been adopted by the City Council. Three copies of the adopted Plan shall be kept on file with the city clerk and available for inspection by any member of the public during office hours.

## **Article 11 – Penal Provision**

### **SECTION 9-1101: VIOLATION; PENALTY**

Any person, whether as owner, proprietor, or as the agent, attorney or representative of any owner or proprietor of land, who shall plat or subdivide any tract of land within the corporate limits of the City or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits, or adjoining and contiguous thereto, without having first obtained the acceptance and approval of the plat or map thereof by the City Council, and any person who shall violate or who shall fail, neglect or refuse to comply with any of the provisions hereinbefore, as now existing or as hereafter amended, shall be guilty of a misdemeanor and, upon conviction, be fined in any sum not exceeding \$500.00 dollars. Each day that a violation of this chapter continues shall constitute a distinct offense and shall be punishable as such.