

KENNARD

Nebraska

Subdivision Regulations

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ORDINANCE NO. SUBDIVISION REGULATIONS

AN ORDINANCE TO REGULATE THE DIVISION OF LOT, TRACT, OR PARCEL OF LAND INTO TWO OR MORE LOTS, SITES, OR OTHER DIVISIONS OF LAND FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF OWNERSHIP OR BUILDING DEVELOPMENT, EXCEPT THAT THE DIVISION OF LAND SHALL NOT BE CONSIDERED TO BE A SUBDIVISION WHEN THE SMALLEST PARCEL CREATED IS MORE THAN TEN ACRES IN AREA, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE NEBRASKA STATE STATUTES

WHEREAS, the Board of Trustees of the Village of Kennard, Nebraska, deems it necessary in order to promote health, safety, and general welfare of its citizens, and to endeavor to bring about the coordinated, efficient, economical, and the orderly development of the village all in accordance with the Kennard Community Development Design Plan, the Kennard Interim Planned Residential Development System, and the Comprehensive Plan of Kennard.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF KENNARD, NEBRASKA:

SECTION I. TITLE.

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations for the Village of Kennard" and shall be hereinafter be also referred to as "these regulations".

SECTION II. PURPOSE.

The purpose of this ordinance is to provide for the orderly development of Kennard and its extra-territorial zoning jurisdiction by ensuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, to coordinate development with the Village's transportation, land use and facilities plan, and to generally provide conditions favorable for the health, safety, welfare, sustainability, convenience of the community, and avoidance of excessive city maintenance expense.

SECTION III. JURISDICTION.

These regulations shall be applicable to all subdivision of land within the Village of Kennard, subsequent annexation, and the territory within one mile of the corporate limits as hereafter extended, changed, or altered. If such land overlaps the territorial limits of another city or county, exercising subdivision jurisdiction, then approval authority is vested with the city or county in whose jurisdiction the largest portion of such land is located with the mutual consent and cooperation of the other authorities.

3.1 Agricultural Land Exemption:

The subdivision purposes into parcels of more than ten acres and not involving any new street, easement or other dedication, and for use as a farm shall be exempt from the requirements of these regulations.

SECTION IV. GENERAL REQUIREMENTS.

4.1 Village Approval Required:

No owner of real property within the jurisdictional limits of Kennard, shall be permitted to subdivide, plat, or lay out said real property into blocks, lots, streets, or other portions of the same intended to be dedicated for public use or easements for the use of others, or for the use of the lessees, purchasers, or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval of the Board of Trustees of Kennard upon the recommendation of the village planning commission.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the village, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, the county, or the city, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916.

4.2 No Subdivision Plat Shall be Recorded without Approval:

No plat of the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the Kennard Board of Trustees upon the recommendation of the Village Planning Commission. The Board of Trustees shall have the power by ordinance to provide the manner, plan, policy, or the method by which real property within the village jurisdiction may be subdivided, platted, or laid out, including a plan or system for streets, roads, and alleys to be laid out within or across the same; and to prohibit the sale or offering for sale of, the lease or offering to lease of, and the construction of buildings and other improvements on, any lots or parts of real property not subdivided, platted, or laid out as required in this Ordinance.

4.3 Conformance to Village Requirements:

The Village Board of Trustees of Kennard shall have power to compel the Owner of any real property in subdividing, platting, or laying out the same to conform to the requirements of this Ordinance.

4.4 Every building, except buildings used for farming use such as: barns, sheds, storage bins, etc. shall be located on a lot.

4.5 Subdivision Compliance Certificate:

Prior to the issuance of any building permits, the Owner shall submit to the Village Clerk the following to show that the real property or lot on which the building is proposed for construction conforms to these regulations:

4.5.1 A zoning compliance certificate.

4.5.2 A site development plan and a certificate of survey for the lot or tract of land.

4.5.3 For residential construction, plans and drawings required for submittal to comply with the provisions of the Interim Planned Residential Development System.

4.5.4 A Subdivision Compliance Certificate will be issued by the Village Clerk if the application is accompanied with and in conformance with these regulations.

4.6 Utility Connections and Building Permits Prohibited:

No officer or employee of the Village of Kennard shall issue any building permit, make any water or sewer connection or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of these Regulations. No person, employee, or his agent of any utility company shall make any utility connections or issue any order for utility connections for any building or buildings constructed or proposed to be constructed without a building permit first being issued by the Village of Kennard.

4.7 Subdivision Agreement:

No subdivision plat shall be approved by the Village Board until a subdivision agreement shall have been entered into between the subdivider and the city. The subdivider shall have such agreement prepared to be approved by the Village Attorney. The agreement shall provide for the needs of the subdivision including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, the interim planned development system, common areas, engineering design data, specifications for construction, and any variances, if any.

SECTION V. SPECIAL EXCEPTIONS.

5.1 All subdivisions of land into three or less parcels, replats of lots, and lot splits shall be filed with the Village Clerk and shall be approved by the Board of Trustees after recommendation by the planning commission, before the new plat or replat shall be recorded, have any force, or before any title of Ownership is transferred. The Board of Trustees, however, may approve such subdivision of land without public hearing but after receiving the recommendation of the Planning Commission.

5.2 The replats or lot splits shall be drawn at a scale of 1" = 100' or other approved scale, including lot dimensions, a form for the certification of the County Clerk, a form for a notarized certification signed and acknowledged by all parties having any titled interest, a form for certification signed by the Mayor of Kennard and attested to by the Village Clerk, and a form for the certification signed by the County Surveyor approving the plat.

5.3 The replats will be noted to vacate and/or otherwise amend the previous Plat of Record.

5.4 Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from this ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall

apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

- 5.5 Small subdivisions involving the creation of not more than two building lots and that does not involve the dedication of a street shall be filed with the Village Clerk and may be approved by the Village Board of Trustees after receiving a recommendation by the Planning Commission without a public hearing.

SECTION VI. DEFINITIONS.

- 6.1 For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.
- 6.2 Agent: Shall mean any person, group, corporation, partnership, or other entity representing the ownership of a tract of land.
- 6.3 Alley: A public right-of-way which is used primarily for secondary vehicular access to the back or side of properties otherwise abutting on a street.
- 6.4 Best management Practices (BMP): shall mean a practice, or a combination of practices, that are determined to be effective, practical means (technological, economical, or institutional) of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
- 6.5 Block: A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.
- 6.6 Bond: shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City Attorney which meets the intent of such security required by this ordinance.
- 6.7 Board: Kennard Board of Trustees, Nebraska.
- 6.8 Clerk: shall mean the village clerk of the Village of Kennard, Nebraska.
- 6.9 Comprehensive Plan: Shall mean the Comprehensive Development Plan of Kennard, Nebraska, as adopted by the Planning Commission and the Board of Trustees in accordance with the laws of the State of Nebraska and the ordinances of Kennard.
- 6.10 Cul-de-sac: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.
- 6.11 County: Washington County, Nebraska.
- 6.12 Dead End Street: shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a permanent vehicular turn-around and is planned for future continuation.

- 6.13 Dedication: shall mean the intentional appropriation of land by the owner to some public use.
- 6.14 Developer: shall mean a buyer of land for building: a person or company that buys land in order to build on it or sell it to others who want to build on it. See also "Subdivider."
- 6.15 Easement: A right to use a parcel of land, granted to the general public utility, corporation, by the property owner.
- 6.16 Farm: Shall mean any parcel of land utilized for agricultural purposes and containing 20 acres or more which produces 1,000 dollars or more of farm products each year.
- 6.17 Floodplain: See definition in the Zoning Ordinance.
- 6.18 Frontage Road: shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.
- 6.19 Highway, Major Inter-Regional: Shall mean a "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.
- 6.20 Improvements: Shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, side-walks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.
- 6.21 Lot: Shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street or dedicated access and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this regulation, or
- A parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Clerk.
- 6.22 Lot, Corner: Shall mean a lot located at the intersection or intersections of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot".
- 6.23 Lot Depth: Shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 6.24 Lot, Interior: Shall mean a lot other than a corner lot.
- 6.25 Lot Line: Shall mean the property line of a lot.
- 6.26 Lot Line, Front: Shall mean the property line abutting a street.

- 6.27 Lot Line, Rear: Shall mean a lot line which does not abut a street and which is opposite and most distant from the front lot line.
- 6.28 Lot Line, Side: Shall mean any side property line not a front or rear lot line.
- 6.29 Lot, Nonconforming: Shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Clerk which does not have access to a public road right-of-way and which was lawfully created prior to the effective date of this Regulation.
- 6.30 Lot, Through: Shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- 6.31 Lot of Record: Shall mean a lot held in separate ownership as shown on the records of the County Clerk at the time of the passage of a resolution establishing the subdivision regulations.
- 6.32 Lot Width: Shall mean the horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 6.33 Monument: Shall mean an identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner street centerline, or other point.
- 6.34 Planning Commission: Village Planning Commission of Kennard, Nebraska.
- 6.35 Plat: Shall mean a map which delineates the subdivisions of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 6.36 Plat, Final: Shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.
- 6.37 Plat, Preliminary: Shall mean the preliminary plan of the plat, subdivision or rededication prepared in accordance with the requirements of these regulations.
- 6.38 Road, Major Collector: Shall mean a County highway with 80 feet right-of-way or more used to expedite the safe movement of local county vehicular traffic.
- 6.39 Road, Local: Shall mean a road primarily for service to abutting rural property.
- 6.40 Sidewalk or Walkway: Shall mean that portion of a dedicated right-of-way or easement intended for pedestrian use only.
- 6.41 Street: Shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than alley which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

- 6.42 Street, Collector: Shall mean a street or highway which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 6.43 Streets, Major: Shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 6.44 Streets, Minor: Shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 6.45 Subdivider: Shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 6.46 Subdivisions: No owner of any real property, located in the corporated area, and in an area in which the Village of Kennard is exercising subdivision control, shall be permitted to sub- divide, plat, or layout said real property in building lots, streets, or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots, streets, or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof of the Board.
- The division of a lot, tract or parcel of land, ten (10) acres or less in area into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, for transfer of ownership or building development.
- 6.47 Subdivision Agreement: An agreement between the Village of Kennard and a developer whereby the developer agrees to construct any required public street, drainage, and other improvements for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative costs to be borne by the developer and by the public entity.
- 6.48 Water Course: A natural or man-made depression in which a current of surface run-off water flows following precipitation.
- 6.49 Zoning District: shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 6.50 Zoning Ordinance: shall mean the Zoning Ordinance of the Village of Kennard as amended from time to time.

SECTION VII. PROCEDURE FOR SUBMISSION AND APPROVAL.

7.1 Preliminary Plat:

In obtaining approval for a proposed subdivision, the subdivider shall submit a preliminary plat showing and including data specified in Article V and in accordance with the following procedure:

- 7.1.1 Before any subdivider or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the corporate limits or extra-territorial jurisdictional limits of Kennard exercising zoning and subdivision regulations, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the Kennard Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of any grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in form suitable for recording. The Planning Commission shall determine whether the tentative plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The Street layout shall be in conformity with a plan for the most advantage us development of the entire neighboring area.
- 7.1.2 All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan, the Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 7.1.3 Procedure for Submission and Approval.
- a. The Applicant shall submit six (6) copies of the preliminary plat- and make application for the preliminary plat, as well as a digital copy in PDF format, at least three (3) weeks prior to the date of the regular Planning Commission meeting.
 - b. Application is made at the office of the Village Clerk, who collects the following fees, orders signs to be posted and notices of hearings to be published:
 - 1) Preliminary Plat: There shall be a platting fee of \$50.00 plus \$1.00 per lot in excess of 25 lots.
 - 2) Final Plat: There shall be a filing fee of \$50.00 plus \$1.50 per lot in excess of 25 lots.
 - c. Applicant shall appear at a regular Planning Commission meeting with preliminary plans for the use of the property and present his request for the replatting of land. The Applicant shall be prepared to outline the scope and character of the proposed project. In order to provide sufficient information for the Planning Commission to understand the preliminary plat, the Applicant shall be prepared to furnish the following type of information upon request:
 - 1) A preliminary statistical summary of the project, including the gross site acreage, the number of lots, the dedicated street

width, and the acreages devoted to other related or specific uses, including recreation areas.

- 2) A check list guide for subdivision plat submittals, indicating the kinds of information needed on the preliminary plat is described hereinafter.
- d. The Village Clerk will submit the proposed preliminary plat to the School Boards, the Fire Department and other agencies or departments for their review and recommendations. The Village must receive written recommendations from these agencies prior to the Planning Commission hearing which is the advertised public hearing date and if no response is received within thirty (30) days, the Village will assume there are no objections.
 - e. The final review comments or recommendations of the other public agencies reviewing the preliminary plats, if received, will be presented at the public hearing before the Planning Commission.
 - f. The Planning Commission will hear the application and any opposition or support during the hearing and after the hearing will deliberate on the application in view of the following and other related considerations:
 - 1) Recommend conditional approval with their evaluation and reasons for action. Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
 - 2) Recommend denial with their evaluation and reasons for action.
 - 3) Postpone action with reasons for delay. The actions of the Planning Commission will be noted on two copies of the preliminary plat. One copy will be returned to the applicant and the other will be filed with the Planning Commission.
 - g. If the Planning Commission recommends denial or conditional approval, the Village Clerk then orders notice of hearing before the Board to be published. This notice shall be published at least ten days prior to the hearing date. The Village Clerk also adds the Board hearing date to the posted signs.

The Board at the hearing may do one of four things:

- 1) Concur with the Planning Commission's recommendation.
- 2) Reverse the Planning Commission's recommendation.

- 3) Refer the preliminary plat back to the Planning commission for reconsideration with specific instructions to the Commission.
 - 4) Approve with some modification from the Planning Commission's recommendation.
- h. If the Planning Commission postpones action and the applicant desires an immediate hearing before the Board, the applicant has the privilege of appearing before the Board at their next regularly scheduled meeting and request that a hearing date be set.
 - i. Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat.
 - j. When a rezoning request is applied for concurrently with the Preliminary Plat, the conditional approval of the plat also provides for conditional approval of the rezoning request. The rezoning does not become official until the Final Plat is filed and approved.
 - k. Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat. Rather, the Preliminary Plat shall be deemed an expression of approval for the general design concept and serves as an acceptable guide for the preparation of the Final Plat. The approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval unless all or a portion of the approved Preliminary Plat has been submitted for approval as a Final Plat during the said period. Twelve (12) month extensions may be granted by the Board upon written request by the subdivider and upon the payment of an additional platting fee equivalent to the original preliminary platting fee.
 1. Following the hearing, the Subdivider shall revise the drawings presented to incorporate all changes requested by the Planning Commission. Similarly, if there are any additional changes required by the Board these changes shall be incorporated in the preparation of the Final Plat. Following the approval of the Preliminary Plat by the Planning Commission and the Board, the applicant may proceed with the preparation of the Final Plat.

7.2 Final Plat:

In obtaining approval for a proposed subdivision, the subdivider shall submit to the Board six (6) copies of the final plat prepared by a registered engineer or registered land surveyor, showing and including the data specified by Section IX in accordance with the following procedure:

- 7.2.1 A final plat shall be submitted within twelve (12) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to the preparation of the final plat.
- 7.2.2 The final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed and which the Village Approved to record and to develop at the same time. If the Final Plat, as submitted, is substantially different, as determined by the Village Board or the Planning Commission, the Plat may be required to be resubmitted as a Preliminary Plat.
- 7.2.3 The Final Plat shall be submitted to the Planning Commission for approval at least one week prior to the meeting at which it is to be considered.
- 7.2.4 Procedures for final plat shall be the same as set out for the preliminary plat. After review and consideration by the Planning Commission, the plat shall be submitted with their recommendation to the Board for final approval and adoption after a public hearing. Prior to said public hearing, the Board shall prepare a notice and cause same to be published at least once in the official newspaper at least ten (10) days before the public hearing. Said notice shall contain the location of the land, the name of the proposed subdivision, and the date of the public hearing. Prior to submission of the final plat to the Board, the Subdivider shall certify that all improvements required by this Regulation have been installed or satisfactorily arranged for.
- 7.2.5 The Village Board shall consider the final plat for approval if it finds that the final plat has been prepared in compliance with these regulations and in substantial conformance with the approved preliminary plat and after being satisfied that the following items have been received:
- a) Planning commission report.
 - b) Village planning consultant's report (if hired).
 - c) Village engineer's report (if hired).
 - d) Private covenants, restrictions, and conditions, if any.
 - e) Approved subdivision agreement.
 - f) School Board report.
- 7.2.6 Upon approval of the Final Plat, a certification of approval by the Board shall be endorsed thereon by the Village Clerk, and copies of the Plat shall be filed with the office of the County Clerk for distribution as follows:
- (1) Original or mylar reproducible to the Village Clerk.
 - (1) Mylar reproducible reduced or enlarged to a plat book dimension of 15 x 20 inches to the Village Clerk.

- (1) Mylar reproducible to the County Clerk.
- (1) Mylar reproducible, scale 1" = 100' to the Village Clerk.
- (1) Copy print to the County Assessor.
- (1) Copy print to the Telephone Company.
- (1) Copy print to the Public Power District.
- (1) Copy print to the Local Fire District and School District.

7.2.7 The Final Approval by the Board shall be by Ordinance after receiving the approval of the Planning Commission. The concurring vote of the majority of the Board shall be necessary to approve the Final Plat.

7.2.8 The Final Approval of a plat does not constitute approval or acceptance of public areas, roads, or streets for maintenance.

7.3 Submission to the School Board:

Prior to any approval on the preliminary or final plats by the Planning Commission and Board, a copy of each preliminary or final plat shall be submitted to the School Board in which the real estate is located for their consideration and recommendations. The Board shall within thirty (30) days recommend in writing to the governing body that such plat be approved or disapproved in whole or in 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 within thirty days shall be construed as an approval of the proposal submitted.

7.4 Professional Assistance:

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

SECTION VIII. PRELIMINARY PLAT REQUIREMENTS.

The preliminary plat shall contain the following information:

- 8.1 A small scale key or vicinity map adequately covering the area within a half mile radius of the subdivision, showing the relation of the plat to major street, parks, schools, and surrounding major commercial, industrial developments and the boundary of the drainage area affecting the plat.
- 8.2 A preliminary plat of the subdivision drawn to the scale of one hundred feet (100') to one inch (1"), said preliminary plat to show:
 - 8.2.1 Legal description, acreage and name of proposed subdivision.
 - 8.2.2 Name and address of the owner.
 - 8.2.3 Name of person who prepared the plat, and date thereof.

- 8.2.4 North point and graphic scale.
- 8.2.5 Existing and proposed tentative contours at five foot {5'} intervals, or less.
- 8.2.6 Location of existing or platted streets within the proposed subdivision and 200' thereof; location of lot lines, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision and within 50 feet thereof.
- 8.2.7 Layout of proposed blocks (if used) and lots including the approximate dimension of each, and the lot and block number in numerical order.
- 8.2.8 Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks, and other open spaces or reserved areas.
- 8.2.9 Names of adjacent property owners.
- 8.2.10 Grades of proposed streets and alleys.
- 8.2.11 The general location of proposed water mains and sanitary sewers and a statement describing same.
- 8.2.12 The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
- 8.2.13 Proposed building lines, if different than the yard requirements established in the Zoning Ordinance.
- 8.2.14 Proposed street names shall be extension of existing named streets or roads as designated in the Comprehensive Development Plan or as approved by the Board.

SECTION IX. FINAL PLAT REQUIREMENTS.

The final plat shall meet the following specifications:

- 9.1 It may include all or only part of the preliminary plat.
- 9.2 The plat shall be drawn to the scale of one hundred feet (100') to one (1") inch
- 9.3 The final plat shall contain the following:
 - 9.3.1 Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
 - 9.3.2 Accurate references to known or permanent monuments.
 - 9.3.3 Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - 9.3.4 Accurate legal description of the boundary.

- 9.3.5 Street names.
- 9.3.6 Complete curve notes for all curves included in the plan.
- 9.3.7 Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
- 9.3.8 Lot numbers and exact dimensions.
- 9.3.9 Block numbers, if used
- 9.3.10 Building lines if different than yard requirements of Zoning Ordinance.
- 9.3.11 Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- 9.3.12 Location, type, material and size of all markers.
- 9.3.13 Name of subdivision.
- 9.3.14 North point, scale and date.
- 9.3.15 Certificate signed by a registered land surveyor, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said certificates shall state that a ground survey has been made and that either the monuments have been placed as shown on the plat or that temporary monuments have been placed, and that the bond required has been duly furnished to the Village of Kennard.
- 9.3.16 Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided, consenting to the plat including dedication to the public for public use of all streets, alleys and public ways and dedication of parks or other public grounds or as is thereon dedicated to charitable, religious or educational purposes, if any, and granting easements.
- 9.3.17 Certificate to be signed by the Washington County Treasurer stating there are not regular or special taxes due or delinquent against the property described in the plat on the date which the plat is recorded by the County Clerk.
- 9.3.18 Certificate signed by the Washington County Surveyor approving the plat.
- 9.3.19 Certificate for the approval of the Planning Commission to be signed by the Chairman.
- 9.3.20 Certificate for the approval of the Board to be signed by the Chairman and attested by the Village Clerk.
- 9.3.21 One copy of any private restrictions or covenants affecting the subdivision of any part thereof.

SECTION X. DESIGN STANDARDS.

10.1 General:

Land within the proposed subdivision which the Board finds to be unsuitable for subdividing due to flooding or bad drainage or other topographic features likely to be harmful to the safety, welfare or general health of the future residents of the proposed subdivision shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such hazards are provided.

10.2 Streets:

- 10.2.1 The arrangement, character, extent, width, grade and location of major streets shall conform as nearly as possible to the Comprehensive Plan with provisions for the extension of major and collector streets. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provision shall be made for future connections to adjoining unsubdivided tracts.
- 10.2.2 Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs shall normally not be longer than three hundred (300) feet and shall terminate with a turn-around having a diameter of not less than eighty (80) feet.
- 10.2.3 Where a proposed subdivisions is adjacent to or contains an existing or proposed major or controlled access thoroughfare, provision shall be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or lots shall back up to the major street and have access only to the minor street.
- 10.2.4 Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.
- 10.2.5 Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
- 10.2.6 Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.
- 10.2.7 The right-of-way widths, pavement widths (face to face of curb) and grades for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions or more than the maximum grades for each classification as follows:

- 10.2.8 Where a subdivision borders on or contains a railroad right- of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades or future grade separations.
- 10.2.9 Reserve strips in private ownership controlling access to streets shall be prohibited.
- 10.2.10 Intersections with centerline offsets-of less than one hundred and fifty (150) feet shall be avoided.
- 10.2.11 A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- 10.2.12 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for collector streets, and of such greater or less radii as the Planning Commission shall determine for special cases.
- 10.2.13 Streets and roads shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- 10.2.14 Curb radii on all block corners shall be sixteen (16) feet and a ten (10) foot radius shall be used at intersections of driveways and alleys.
- 10.2.15 The right-of-way widths, pavement widths (back to back of curb), street grades, and the sight-distances for streets and alleys in any subdivision shall not be less than the minimum dimensions nor more than the maximum grades as on the minimum design standard table.
- 10.2.16 The horizontal curb alignment on all streets except in unusual cases shall be as follows:

<u>Street Type</u>	<u>Radii of Horizontal Curb</u>
Other Arterial Streets-----	700' minimum
Collector Streets-----	300' minimum
Local Streets-----	100' minimum
Cul-de-sacs-----	100' minimum

10.17 Street Grades and Elevations

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than five tenths (0.50' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in section 10.4.3 of this Ordinance.

10.2.18 Dead-end roads and streets as permanent features shall be prohibited.

10.3 Easements:

10.3.1 Easements across lots are centered on rear or side lot lines shall be provided for utilities, where necessary, and shall be at least ten (10) feet wide.

10.3.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of such widths as will be adequate for both water flow and maintenance operations. No less than is what determined by the planning commission.

10.4. Blocks:

10.4.1 The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed 1,320 feet and shall be a minimum length of 300 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for pedestrian circulation.

10.4.2 Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation for or access to schools, playgrounds, shopping centers, and other community facilities.

10.4.3 MINIMIDESIGN STANDARDS FOR URBAN STREETS

(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)

Street Classifications	Minimum Right-of Way (ft.)	Minimum Pavement Width (ft.) (1)	Number of Lanes- Min.	Maximum Grade (%)	Maximum Centerline Radius (ft.)	Minimum Sight Distance (VC) (3)	Minimum Concrete Pavement Thickness (4), (7), (8), (9)
Arterial Street (6)	100'	50'	4	6	(5)	(5)	9"
Collector	60'	37'	3	10	300	250'	7"
Local	50'	25'	2	10	200	175'	7"
Alleys	20'	16' (9)	1	15	20	100'	--
Cul-De-Sac (2)	50'	25'	2	10	100	175'	7"

1. Pavement width measured back of curb to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be fifty (50') feet and the minimum pavement radius for the cul-de-sac turnaround shall be thirty-seven and a half (37.5) feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by a city engineer.
3. (VC) - Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by the American Association of State Highway and Transportation Officials (AASHTO).
5. Per Nebraska Department of Roads (NDOR) standards or as directed by the city engineer.
6. All section line roads will be designated as arterial streets, unless otherwise directed by the City Engineer.
7. Streets in commercially zoned subdivisions shall be eight inch thick concrete pavement.
8. Streets in industrially zoned subdivisions shall be nine inch thick concrete pavement
9. Alley surfacing can be designated by the village board on a case by case basis

In the event of conflict with the rules and regulations of the Nebraska Board of Public Roads Classifications and Standards, the more stringent criteria shall govern.

10. 4.4 MINIMUM DESIGN STANDARDS FOR RURAL ROADS AND HIGHWAYS

(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)

Design Year Traffic (1)	Design Number	State Functional Classification (2)	National Functional Classification (3)	Terrain	Maximum Grade (%)	Design Speed (MPH) (4)	Horizontal Curve Radius (5)	Number of Lanes.	Lane Width Ft.	Median Width	Shoulder Width	Shoulder Surfacing Width	Lateral Obstacle Clearance and Hinge Point Distance (6)
N/A	DR1	Interstate	Interstate	Level Rolling	3% 4%	70	1080'	4 Div. C	12	36'	6' Lt. 12' Rt.	4' Lt. 10' Rt.	35'
N/A	DR2	Express Way	Arterial	Level Rolling	3%A 4%A	65	1480'	4 Div. C	12	36"E	5' Lt. 10' Rt.	3' Lt. 8' Rt.	30'
4000 ADT and Over	DR3	Major Arterial	Arterial Arterial Collector Collector	Level Rolling Level Rolling	3%A 4%A 5%B 6%B	60	1200'	2D	12	None	10'	8'	30'
2,000-3,999 ADT	DR4	Major Arterial	Arterial Arterial Collector Collector	Level Rolling Level Rolling	3%A 4%A 5%B 6%B	60	1200'	2	12	None	8'	2'G	30'
400-1,999 ADT	DR5	Major Arterial	Arterial Arterial Collector Collector	Level Rolling Level Rolling	3%A 4%A 5%B 6%B	60	1200'	2	12	None	6'F	None G,H	23'
Under 400 ADT	DR6	Major Arterial	Arterial Arterial Collector Collector	Level Rolling Level Rolling	3%B 4%B 5%B 6%B	60	1200'	2	12	None	4'	None H	16'

(1) "Design Year" shall be year of initial construction plus 20 years.

(2) Refer to NDOR "Nebraska State Highway Functional Classification" Map.

(3) Refer to NDOR "Nebraska National Highway Functional Classification" Map.

(4) The design speed should be equal to or greater than the anticipated posted speed limit.

(5) Based on the 2004 edition of AASHTO "A Policy on Geometric Design of Highways and Streets" $e_{max} = 8\%$.

(6) This area, measured from the edge of the through driving lane, shall have 6:1 side slopes or flatter which may have crashworthy or break-away obstacles and shall be free of non-shielded obstacles except:

(a) Traffic signal poles, railroad signals, railroad tracks, bridge rails, ditches, driveways, intersections, bike/pedestrian paths, earth dikes, curbs, raised islands, guardrails, median barriers, crash cushions, drainage inlets, drainage flumes, culverts with flared end sections, erosion control devices, fire hydrants, and traffic control devices;

(b) Other obstacles if the NDOR, in its sole discretion, determines based upon an accident review and a Roadside Safety Analysis Program (RSAP) review or a comparable AASHTO approved economic analysis, that the cost to remove or treat such obstacle exceeds the benefits from such removal or treatment.

A Maximum grade may be one percent steeper for tangent lengths less than 500 ft.

B Maximum grade may be two percent steeper for tangent lengths less than 500 ft.

C Over 30,000 ADT the appropriate number of lanes will be determined by a special study.

D Over 9,000 ADT the appropriate number of lanes will be determined by a special study. If 4 lanes are required, use DR2 standards.

E Median widths of 16 ft are allowed with the approval of the Director or his/her designee based on NDOR Traffic Division recommendation.

F 8 ft if on Priority Commercial System, refer to NDOR "Nebraska Interstate and Priority Commercial Systems" Map.

G 6 ft if on Priority Commercial System, refer to NDOR "Nebraska Interstate and Priority Commercial Systems" Map.

H 2 ft in Sandhills, as designated in NDOR Pavement Management System.

Roadway Classification (2)	Design Number (1)	Design Year ADT (3)	Design Speed (MPH) Min. (4)	Maximum Horizontal Curve (Deg.) (5)	Maximum Grade (%) (6)	Number of Lanes-Min. (7)	Lane Width (Feet) (8)	Shoulder Width Ft.-Min. (9)	Fixed Obstacle Clearance (Feet) (9)	Surfacing Type-Minimum (10)
Other Arterial	ROA1	401-750	50	7.5	7	2	12	6	12	Aggregate or Paved Aggregate or Paved Aggregate or Paved Aggregate *
	ROA2	251-400	50	7.5	7	2	11	4	10	
	ROA3	50-250	50	7.5	7	2	10	4	10	
	ROA4	0-50	40	40	8.0	8	2	10	3	
Collector	RC1	251-400	50	7.5	7	2	11	4	10	Aggregate or Paved Aggregate or Paved Aggregate *
	RC2	51-250	50	7.5	7	2	10	4	10	
	RC3	0-50	40	40	10.0	9	2	10	3	
Local	RL1	251-400	50	7.5	7	2	11	4	8	Aggregate or Paved Aggregate or Paved Aggregate*
	RL2	51-250	50	7.5	7	2	11	4	8	
	RL3	0-50	30	30	23.0	10	2	11	3	

(1) The Typical Cross Sections (sections 001.18 through 001.22) in these regulations and the 2001 edition of AASHTO “A Policy on Geometric Design of Highways and Streets” should be used for other design criteria. Municipal Streets Design Standards (Sec. 001.15) may be used in residential and commercial areas lying outside municipal boundaries. This may be particularly appropriate for Sanitary and Improvement Districts and for developed areas under municipal zoning jurisdiction.

(2) Refer to NDOR “State Functional Classification Maps.”

(3) “Current year” shall mean year of initial construction. Minimum design criteria for ADT volumes over 400 in the “Collector” and “Local” classifications shall conform to the minimum standards set forth in the “Other Arterial” classification. Minimum design criteria for ADT volumes over 750 in the “Other Arterial” classification shall conform to the minimum standards set forth in AASHTO “A Policy on Geometric Design of Highways and Streets.”

(4) The design speed should be equal to or greater than the anticipated posted speed limit. Stopping sight distance is a critical component of design speed. New or reconstructed roads that are designed for a speed less than the statutory speed limit require an engineering and traffic investigation to determine the appropriate speed limit. Reference 60-6,190 Neb.Rev.Stat.

(5) 0.08 feet per foot maximum super elevation rate. The super elevation rate should match the design speed.

(6) Maximum grades may be exceeded by 2 percent for tangent distance of up to 500 feet in rough terrain.

(7) The actual number of lanes for design shall be based on a capacity analysis using design year traffic and the selected level of service to be obtained.

(8) Lane width shall not include width of curb or curb offset. See Typical Cross Sections of 2008 Board of Public Roads classifications and Standards: Nebraska Minimum Design Standards (001.18 through 001.22) for cross slope.

(9) Minimum fixed obstacle clearance for a curbed section shall be 2 feet as measured from the back of the curb. Minimum fixed obstacle clearance for a non-curbed section shall be measured from the edge of the through driving lane. This area shall be free of obstacles except: (a) Traffic signals, railroad signals and railroad tracks; (b) Other obstacles including, but not limited to: ditches, slopes, driveways, intersections, earth dikes, curbs, guardrails, median barriers, crash cushions, drainage inlets, drainage flumes, culverts, bridges, roadway lighting, and traffic control devices if the county, through an engineering study, has determined that such obstacles are acceptable and are necessary for the operation and use of the road system; (c) Other obstacles if the county, through an engineering study and based upon a cost benefit analysis, has determined that the cost to remove or treat such obstacle exceeds the benefits from such removal or treatment.

(10) A road graded to meet or exceed ROA1, ROA2, ROA3, RC1, RC2, RL1 or RL2 Minimum Design Standards in effect between September 2, 1970 and January 1, 2003 may be paved without being graded to current minimum design standards.

*The paving of roads built to ROA4, RC3 and RL3 Minimum Design Standards, except for "Sandhills" soils, is prohibited. Such roads (0 - 50) ADT in "Sandhills" soils may require paving because of the light, granular nature of the soils involved. It shall also be permissible to pave one 12-foot lane on roads built to RL3 Minimum Design Standards in "Sandhills" soils.

- 10.4.5 The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred forty (240) feet in width. In cases of irregular shaped blocks the minimum width may be waived by the Board.
- 10.4.6 Blocks intended for business and industrial use should be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Board may require service drives or frontage access roads along major streets for business or industry.
- 10.4.7 Where frontage is on a major or collector street, the long dimensions of the block should front hereon.

10.5 Lots:

- 10.5.1 Lot dimensions and lot area shall conform to the requirements of the Zoning Ordinance. However, in no case shall the width be less than 60 feet, nor less than 100 feet in depth, nor less than 6,000 square feet in area when served by a public sewer. Lots without service by public sewer shall not be less than 100 feet in width, nor 20,000 square feet in area.
- 10.5.2 Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets.
- 10.5.3 Each lot shall have satisfactory access to a public street.
- 10.5.4 Double frontage lots shall be avoided except where they back up to a major street.
- 10.5.5 Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.
- 10.5.6 Side lot lines shall be substantially at right angles or radial to street lines.
- 10.5.7 Setback or building lines may be shown on all lots but shall not be less than the setback required by the Zoning Ordinance.
- 10.5.8 Platting of lots for commercial and industrial purposes should include adequate space for off-street parking and service areas.
- 10.5.9 Excessive depth in relation to width of lots over 3 to 1 shall be avoided.

SECTION XI. PUBLIC SITES AND OPEN SPACES.

- 11.1 Where a park, playground, school or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the Village may require the acquisition or accept the dedication or reservation of such area within the subdivision.
- 11.2 Where deemed essential by the Planning Commission and the Board upon consideration of the type of development proposed in the subdivision, and especially in a large-scale development not anticipated in the Comprehensive Plan, the Village may request the dedication or reservation of such other areas or sites of a character, extent or location suitable to the needs created by such development for school, parks and other neighborhood facilities.
- 11.3 Where a tract of land is being subdivided and includes land proposed to be used for parks under the duly adopted Comprehensive Plan of Kennard, Nebraska, the subdivider shall indicate the location of such areas on the subdivision Plat.
- 11.4 When a tract of land is being subdivided, the developer shall submit a plat of the proposed development to the local school board.
- 11.5 All subdividers may be assessed the assessments for improvements to implement the public sites and open spaces segment of the Comprehensive Plan. The form and amount of assessment will be fixed by the Board upon recommendation of the Planning Commission when the costs for the improvements have been determined.
- 11.6 Where future school sites or public park sites are shown on the Comprehensive Plan and are located on a tract of land proposed to be subdivided, the sites shall be reserved for a period of six (6) months, and the School and Village may purchase the unplatted land at a value determined in the same manner as required by the Nebraska Statutes for proceedings under the power of eminent domain, or by negotiations with the owners of the property.

SECTION XII. PLANNED DEVELOPMENT

- 12.1 The intent and purpose of the Planned Development is to permit the subdivider or developer a greater flexibility, and creativity to develop land for a better arrangement, spacing, and orientation of buildings to provide a more economical, practical, and efficient arrangement of related land uses, such as parking areas, drives, walks, and recreation areas and above all, to provide a more useful and greater area for open space.
- 12.2 The minimum area of a tract of land to be subdivided as a planned unit development shall be 10 acres.
- 12.3 When a planned unit development is proposed, a detailed site plan showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning Commission and Village Board for review, together with detailed information as to proposed use and occupancy.
- 12.4 After a public hearing thereon, the same as required for a Preliminary Plat, if the Village Board and the Planning Commission finds that the interests of the Village in good design, environmental amenity and efficiency of public services would be enhanced thereby, the Village Board may waive one or more of the Zoning Ordinance Subdivision Regulations (excepting the requirements for the installation of improvements) or may establish additional conditions to be met by the subdivider.
- 12.5 In approving such a development plan the Village Board and the Planning Commission shall be assured that the development provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided that will assure that the plan will be followed and achieved.
- 12.6 In approving such a development, the Village Board and Planning Commission may waive some of the subdivision regulations, provided the Planned Development will provide more environmental amenities, efficiency of public services, or contiguous open spaces, than otherwise permissible under the requirements of the subdivision regulations, and provided the subdivider enters into an agreement with the Village to develop the land according to the conditions of the Planned Development.

- 12.7 The procedure for approval of a Planned Development shall be the same as required for a Preliminary Plat and a Final Plat. The Requirements for the final Development Plan approval and adoption shall be the same as required for a subdivision plat. The Final Site Development Plan shall be drawn in ink on linen or mylar reproducible material and shall require the same forms for approval, certification, dedication, and acknowledgement as required for a Final Plat.

SECTION XIII. IMPROVEMENTS AND STANDARDS

- 13.1 The subdivider shall construct and install the improvements in accordance with Village Standards for Construction Plans and Specifications, and shall have executed a written subdivision agreement with the Village of Kennard providing for the required improvements as approved by the Village.
- 13.2 Schedules of improvements shall be prepared by the subdivider. The schedules shall contain standards, and class of construction which are consistent within the zoning districts. The subdivider shall furnish copies of pertinent schedules and certificates of compliance
- 13.3 No contracts for the construction of any improvements within the subdivision shall be awarded without the approval of the Board.
- 13.4 The following described monuments shall be installed before the Village shall approve the plat, or in lieu thereof, a performance bond in an amount equal to the cost of doing such work, shall be furnished to the Village and the subdividers engineer shall certify to the Board that required improvements have been satisfactorily arranged for:
- 13.4.1 The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than two (2) inches in diameter set in concrete extending at least 30 inches below grade.
- 13.4.2 Lot corners, all points of curvature, points of tangency, and other points shall be monumented by iron rods or pipes not less than one half (1/2) inch in diameter extending at least 24 inches below grade.
- 13.5 Sanitary Sewers. The subdivider shall provide the subdivision with a complete sewer system which shall connect with a sanitary sewer outlet approved by the Village Board. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent properties. Design standards for sanitary sewers shall conform to Nebraska Department of Environmental Quality Standards.
- 13.6 Storm Drains. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and the removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

13.7 Water Mains. The subdivision shall be provided with an adequate water main supply system. The location of fire hydrants shall be shown on the water utility plan. All hydrants will be located at a maximum of four hundred fifty (450) foot intervals, unless otherwise authorized by the Village.

13.8 Sidewalks. All sidewalks within subdivisions shall have a minimum pavement width of five (5) feet and minimum pavement thickness of six (6) inches along major or other arterials and four (4) inches everywhere else, all of which shall be located within the right-of-way or pedestrian access easement and not directly abutting any street. Minimum distance between edge of walk and curb shall be six (6) feet. The developer may provide in recorded covenants that such sidewalks shall be constructed by the owner of each lot prior to the time of completion or sale of the main structure on said lot.

All sidewalks, crossings, and other segments of a pedestrian system must comply with the standards of the Americans with Disabilities Act. Ramps with truncated domes shall be installed at all public street crossings and private roadway/driveway crossings that have traffic control access.

13.9 Grading. All full width streets located entirely within the boundary of the subdivision, except major and collector streets as noted in Section 10 (Paragraph 10.2) hereof, shall be graded to a minimum width of 9 feet back of both curb lines to within six (6) inches of the grade approved by the Village. Such grading shall be completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work shall be furnished to the Village of Kennard and the subdivider's engineer shall certify to the Board that required improvements have been satisfactorily arranged for.

13.10 Curb and Gutter. Curb and gutter shall be installed on all streets in the plat and shall be constructed of Portland Cement Concrete in accordance with designs and specification approved by the Board.

13.11 Surfacing. All streets being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic material or Portland Cement Concrete and shall be constructed in accordance with designs and specifications approved by the Board.

13.11.1 The Village Board may in the case of a subdivision plat wherein all the lots in the plat have a minimum frontage width of 400 feet or more, waive at the developers request, the requirements of paved streets and may permit the use of crushed rock surfacing with no curbing meeting the specifications of the Village of Kennard, provided the surfaced roadway width is not less than 30 feet in width.

13.12 Specifications. The type of construction, the materials, the methods, and standards of subdivision improvements shall be equal to the current specifications of the Village for

like work. Plans and specifications shall be submitted to the Board for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

- 13.13 At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles. Signs shall comply with the Manual of Uniform Traffic Control Devices.
- 13.14 The subdivider shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District, subsequent providers, or the city engineer.
- 13.15 New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet applicable specifications for installation.
- 13.16 Other Improvements. The Board, upon recommendation of the Planning Commission, may require the installation of street lights, street signs and street trees.
- 13.17 The developer may select any method or combination of methods listed below to comply with the street surfacing, water, sanitary sewer, storm drainage, and sidewalk requirements:
 - 13.17.1 The developer shall install the required improvement before Board Approval.
 - 13.17.2 The developer shall post a performance bond or certified check in the amount of 100% of the cost of the required improvements as estimated by the subdivider's engineer guaranteeing the installation of the improvements within 3 years after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements; upon the Village receiving a certification from the subdivider's engineer that the improvements have been constructed and installed in accordance with the Village approved plans and specifications; and upon the approval of the Village or its representative. Further, such period may be extended by the Board upon a showing by the developer that lot sales and development do not warrant such installation. If the improvements are not completed within the specified or extended period of time, the performance bond shall be forfeited and used by the Village to complete the installation of the improvements.
- 13.18 If the developer does not comply with Section 13 (Paragraph 13.14) hereinabove stated, he shall select any method or combination of methods listed below to comply with the street surfacing, sanitary sewer, storm drainage and sidewalk requirements.

13.18.1 A road Improvement District or Sanitary and Improvement District may be created in accordance with appropriate State statutes. However, the Village Board may not accept the subdivider's assurances that the required improvements have been satisfactorily arranged for until certified evidence is presented that the Improvement District has adopted a resolution of necessity authorizing a contract for the required work in that portion of the district included in the final plat.

13.18.2 The developer shall execute a written agreement with the Village providing

13.18.2.1 That the developer will install all required improvements to serve all sold and closed lots in the subdivision not later than six months following the date when 50 percent of the lots in the subdivision have been sold and closed; provided that he will in any event, install all required improvements to serve all sold and closed lots in the subdivision not later than three years after recording of the plat even though 50 percent of the lots in the subdivision may not have yet been sold.

13.18.2.2 The developer will make the above covenant a minimum provision in each contract of sale with his lot purchasers, which contract shall be enforceable by the Village and by all lot purchases.

13.18.2.3 It is further provided however, that the Village Clerk shall issue no permits for construction of buildings or structures on any lot in said subdivision until said written agreement with the Village is executed. It is further provided that the Board shall have the right to limit the size of the area of the final plat if the area of the tentative plat is more than 10 acres.

13.19 It is further provided, however, that after the Board has approved the final plat for a portion of the area comprised in the tentative plat, the developer may submit for final platting the next portion only if the required improvements have been installed or have been contracted for as above provided in the portion comprised in the final plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

SECTION XIV VARIANCES

14.1 Hardship

14.1.1 Whenever the tract of land proposed to be subdivided is:

14.1.1.1 Less than three acres and does not involve any dedication for street purposes; or,

- 14.1.1.2 Is of such unusual shape or topography; or,
- 14.1.1.3 Is affected by surrounding developments or unusual conditions such that the strict application of the requirements contained in these Regulations would result in substantial hardships or inequities, the Board upon recommendation of the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the Village and surrounding area are protected and the general intent and spirit of these regulations are preserved.

14.2 Conditions. In granting variances, the Board, upon recommendation of the Planning Commission, may require such conditions as will secure substantially the objectives of the standards or requirements so varied.

SECTION XV. FEES

- 15.1 Preliminary Plat. Before a preliminary plat may be considered by the Planning Commission, the subdivider shall deposit with the Village Clerk a fee of fifty (50) dollars.
- 15.2 Final Plat. There shall be a filing fee of \$50.00 plus \$1.50 per lot in excess of 2S lots.

SECTION XVI. AMENDMENTS

The Board may amend these regulations from time to time, provided, however, that such amendments shall not become effective until a public hearing and a recommendation from the Planning Commission is received and a public hearing by the Board has been held as required by law.

SECTION XVII. EFFECTIVE DATE

These Regulations shall be in effect from and after their adoption and publication as required by law.

SECTION XVIII. GUIDE LINE PROCEDURES FOR PUBLIC IMPROVEMENTS

- 18.1 General. The procedure by which public improvements are installed in a subdivision is a matter of mutual concern to the subdivider and the Village of Kennard. These improvements become permanent features and could be a great financial burden to the subdivider and a continual excessive maintenance cost to the residents; therefore, it is the intent of this section to provide for adequately sized, properly installed improvements through the prescribed rules and standards for recreation improvements, utilities, and streets.
- 18.2 Responsibilities of Subdivider. No contract for any public improvements provided for in this section and within the jurisdiction of the Village shall be let unless first the Village Planning Commission or its agent shall have made a detailed study of the costs for the improvements and recommended to the Board to approve the installation of such improvements.

- 18.3 Any subdivider proposing to acquire, purchase, install, construct, repair, or to let a contract for the improvements shall be first required to enter into an agreement with the Village of Kennard for the purposes of having a mutual understanding of the cost for public improvements that will be assessed to the lots within the subdivision; an understanding of the improvements to be made by the subdivider; and an understanding of the schedule, the applicable standards, and the supervision and inspection of the construction work involved.
- 18.4 Any subdivider or developer of a subdivision or planned development proposing to acquire, purchase, construct, repair, or let a contract for public improvements shall first be required to enter an agreement with the Village of Kennard to pay an additional fee not to exceed one percent of the construction cost to cover the cost for the review and approval of construction plans and contracts, documents, and inspection of construction.
- 18.5 No contract shall be let, awarded, or otherwise consummated by the subdivider after receiving bids, duly advertised, unless first receiving the approval of the Board concerning the basis of assessments for the costs to be incurred as a general obligation by the Sanitary Improvement District, Development Corporation, or other persons to be involved in the contract; and the basis of special assessments for improvement costs.
- 18.6 The subdivider shall be required to furnish maintenance bonds on forms required by the Village in the full amount of the contract cost for the public improvements as security for the guaranteed maintenance; and the subdivider shall furnish the Village with a Performance Bond for the full amount of the contract cost as security for the faithful performance of the contract.

SECTION XIX. SUBDIVISION COMPLIANCE CERTIFICATE.

- 19.1 Prior to the application for a building permit or other permits on any tract of land or recorded lot, the Owner, Developer, or Subdivider shall submit to the Village Clerk the following to show that the subdivision, land or lot split, or replat conforms to the requirements of this resolution:
- 19.1.1 The Village shall receive from the Owner the subdivision plans and other documents to verify compliance with this resolution, and if necessary may require certification or additional information as architectural building plans showing floor plan and building elevations as well as landscape planting plans and other improvement plans to verify compliance with the original subdivision agreement and the Interim Planned Residential Development System.
- 19.1.2 The Village Clerk after reviewing the documents and data submitted for his check, will indicate to the best of his knowledge and with supporting certifications submitted by the subdivider that the Board may issued a Subdivision Compliance Certificate and inform the subdivider that he may make application for a building permit.

19.1.3 The Village Clerk will also check if a Zoning Compliance Certificate has been issued.

19.1.4 A fee of five dollars (\$5.00) will be required for the issuance of a Subdivision Compliance Certificate.

SECTION XX. BUILDING PERMITS

All Building Permits shall be subject to review by the Board and may be referred to the Planning Commission for a hearing and review. No building permits will be issued on unrecorded plats or tracts of land and no building permits will be issued without a Zoning Compliance Certificate and a Subdivision Compliance Certificate.

SUBDIVISION AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, by and between the City of _____, Nebraska, a municipal corporation, hereinafter called the City, and _____ hereinafter called the Developer.

WHEREAS, the Developer owns certain property at a location described as:

(Provide metes and bound description)

and desires to develop such property for _____ uses; and

WHEREAS, the Developer desires to enter into an agreement with the City to provide for the dedication of certain streets to be named:

1. _____
2. _____
3. _____
4. _____
5. _____

WHEREAS, the Developer also desires to subdivide _____
Subdivision, and to enter into a subdivision agreement with the City for such subdivisions:

WITNESSETH:

It is hereby mutually agreed between the parties hereto, in consideration of the covenants herein recited, as follows:

1. The City agrees to accept as part of its street system, streets to be dedicated by the Developer in the said property now owned by the Developer _____, with such streets legal descriptions to be mutually agreed to by the parties here to at the time of such dedication.
2. In consideration of the City accepting such streets, the Developer agrees to install necessary water mains and sanitary sewer mains within such street right-of-way, and to cause such streets to be paved, all in accordance with plans and specifications to be approved by the City and subject to the: final inspection and approval of the City.
3. The Developer agrees to install utilities and to pave the street named _____ Street within said subdivision within two years after its dedication and acceptance by the City. The Developer agrees to install utilities in _____ and pave such street within three years after its dedication and acceptance by the City.

The Developer agrees to install all necessary water mains and sanitary sewer mains within that portion of the streets to be paved to the approval of the City prior to paving any street or portion of street herein dedicated.

4. To assure the City that the Developer will perform the work contemplated by this agreement relative to the construction of utilities mains and pavement of streets on such streets being dedicated, the Developer herewith gives unto the City a letter of credit from a solvent savings and loan association, national bank, or state bank, doing business in the State of Nebraska, in the amount of \$ _____, which assures the City that the projects will be completed by the Developer within the time herein agreed, and that all the terms, conditions, and covenants of this agreement will be performed.

Said letter shall be an irrevocable letter of credit and must be approved as to form by the City Attorney.

The letter of credit may be used by the City in the following amounts for payment of the following expenses, should the Developer fail in performance as agreed to herein:

- (1) Final staking of the subdivision, \$ _____
- (2) Construction of utilities in and the paving of _____ Street,
\$ _____
- (3) Construction of utilities in and the paving of _____ Street,
\$ _____

After completion of said final staking and construction of utilities and paving of said streets and approval thereof by the City, the City agrees to surrender said letter of credit to the Developer.

5. The Developer agrees to grade said streets or portions of streets in accordance with plans and specifications approved by the City's Director of Public Works, and to provide storm water drainage onto public right-of-way or into the City's storm drainage system.

5. In the street dedication of said portions of _____ Street and _____ Street, the Developer dedicates _____ feet of _____ and _____ Street as heretofore existed as street right-of-way. Said Developer agrees to dedicate to the City for One Dollar (\$1.00) as good and valuable consideration _____ () additional feet of _____ Street right-of-way just _____ of the presently existing _____ Street, and a strip of ground just _____ of _____ Street now owned by the Developer from the property owned by the City _____ to the _____ line of the property of the Developer, varying in width from _____ feet _____ of the existing line of said _____ on the _____ to _____ () feet of said existing Street on the _____, both of which will be conveyed and dedicated; provided, that the City agrees to pay the Developer \$ _____, which amount is based upon the City acquiring _____ acre at a cost of \$ _____ per acre for all that portion of street taken _____ of a line _____ () feet _____ of the _____ line of existing _____ Street, all to the City to be used for road purposes, upon the happening of one or more of the following contingencies:

- (a) Sale of any portion of the property now owned by the Developer just _____ of that portion of _____ Street, or just _____ of _____ Street, being dedicated to the City and described in this agreement;
- (b) The Developer agrees to dedicate that portion of right-of-way abutting _____ Street and _____ Street which may be platted by the Developer at the time of such platting;
- (c) Upon thirty days written notice by the City to the Developer, the Developer will plat and dedicate said _____ feet to the City; provided, that the City desires to widen the paved portion of said _____ Street or said _____ Street so that it is desirable for the City to own such right-of-way in conjunction with the planning and paving of such portion of street, or if the City desires to place utilities, on, under, or over such property.

7. The developer agrees to landscape a _____ feet wide open area on the _____ side of _____ Street starting _____ () feet _____ of that portion of _____ Street herein being conveyed to the City, and _____ feet _____ of the line that the Developer agrees to convey to the City just _____ of _____ Street for street purposes, pursuant to the requirements of the City's Subdivision Regulations.

The Developer agrees to construct a public sidewalk upon and over said _____ feet wide tract, which sidewalk shall be built in accordance with plans and specifications approved by the City, and after said Developer has received a written request to construct such sidewalk from the City. The Developer further agrees to give the City an easement for public sidewalk purposes upon said _____ feet strip of property at a location that shall be agreed upon by the parties hereto at the time of such dedication.

8. The City intends to cause traffic signal lights to be constructed and installed on _____ Street in the area where it intersects with _____ Street and _____ Street at such time and location as determined by the City, when the City finds the traffic conditions warrant such installation, using a guide the manual on Uniform Traffic Control Devices or Streets and Highways, published by the U.S. Department of Transportation, Federal Highway Administration, and adopted by the Nebraska Department of Roads for use in Nebraska. The Developer agrees to pay for one-half the actual cost of such traffic signal installation within thirty days of written notice by the City to the Developer of the actual cost of such construction.

9. It is the understanding of the parties to this agreement that the Developer will execute a declaration which will contain restrictive covenants and provide for a homeowners association which will be filed with the Register of Deeds of _____ County, Nebraska, and the Developer agrees to file a copy with the city clerk after such filing with the Register of Deeds.

SUBDIVISION AGREEMENT

FIRST ADDITION OF _____ SUBDIVISION

_____, hereinafter referred to as the Developer, as owner of the following described real estate:

desires to have said property subdivided, to be known as _____, Addition to the City of _____, Nebraska, and hereby submits to the City council of said City for acceptance as provided in the City's Subdivision Regulations, an accurate plat of such proposed subdivision, designating the land to be laid out and describing the lots by numbers and streets and easements by dimensions, and proposes to cause the plat of such subdivision when approved by the Planning Commission and the City Council of the City of _____, Nebraska, to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor and to contain a dedication of the streets to the use and benefit of the public.

- 10 .Water. It is further agreed that before the City will issue occupancy permits for any of the lots in the proposed subdivision, the Developer shall extend water service to all of such lots, pursuant to plans approved by the City, for Water Main Project No. _____. Such water main construction shall be subject to the inspection and final approval of the City.
- 11 .Sanitary Sewer. Before occupancy permits will be issued for any lots in the proposed subdivision, the Developer shall extend sanitary sewer service to all such lots, such construction to be accomplished pursuant to plans approved by the City for Sanitary Sewer Project No. _____, prepared by a registered professional engineer. Such sanitary sewer project shall be subject to the final inspection and approval of the City Works.
- 12 .Drainage. The Developer agrees to grade the 1ots in the sub- division basically in accordance with the plans on file with the City for the drainage of this subdivision prepared by _____, and dated _____, 20____, subject to the final approval of the City as to their compliance with such plans.
13. Easement Vacations. The Developer is dedicating easements along and behind each lot in the subdivision, and if the Developer, pursuant to an approved residential development plan, desires to construct two structures. upon two abutting lots which would have no sideyards where they join, the City agrees to vacate the utility easement along said sideyards, provided, that no utilities are in place in such easements, and provided further, that the City determines that the easement proposed to be vacated is not essential for utility service for another lot in said Subdivision.

14. Sidewalks. The Developer, if still the owner of the land in the proposed subdivision, or if the Developer shall have transferred title to the property, then the various grantees thereof will install, at their own expense, all public sidewalks required by the _____ City Subdivision Regulations when the adjacent lots are built upon, and sidewalks shall be regulated and required with the building permit for each such lot.

15. Zoning. It is recognized by the City that land within this subdivision is presently zoned _____ District, and because of this zoning the Developer need not comply with any requirements of the City's zoning ordinance other than those found under Planned Development District of the City's zoning ordinance, which requirements do not involve conventional concepts of setback, side yard restrictions, etc.

16. Warranty. The undersigned Developer, as owner, warrants that it is the owner in fee simple of that portion of _____ Street and _____ Street herein dedicated, and all of B-locks _____, _____, and _____ Subdivision, in the City of _____ Nebraska, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of _____, Nebraska.

17. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

Dated _____

By _____
President

Attest _____
Secretary

CITY OF _____, NEBRASKA

A Municipal Corporation

BY _____
President of Council

Attest _____
City Clerk

STATE OF NEBRASKA)
)ss
COUNTY OF _____)

On this _____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said County and State, personally appeared, President of _____ a Nebraska corporation, known to me personally to be such officer and the identical person who signed the foregoing instrument and who acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation, and that its corporate seal was thereto affixed by proper authority.

WITNESS my hand and notary seal the date above written.

Notary Public