

CHAPTER 11
MUNICIPAL PLANNING
Article 3. Subdivision Regulations

[Editor's Note: Article 3 was amended in its entirety by Ordinance No. 1167, 4/21/92)

§11-301 PURPOSE. The purpose of these regulations is to provide for the orderly development of Crete and its environs; to proscribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities: for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all under authority of R.R.S., Nebr. 1943, Chapters 19-916 thru 19-922 and 17-1001 thru 17-1003, and amendments thereto. (*Amended Ord. 1945, 9/15/15*)

§11-302 JURISDICTION. The provisions of this ordinance shall apply within the area of planning and zoning Jurisdiction as defined on the Official Zoning Map or the City of Crete, Nebraska, as may be amended from time to time.

§11-303 APPLICABILITY. Any plat, hereafter made, for each subdivision or part thereof lying within the Jurisdiction of this Article, shall be prepared 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 (2) or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the resubdivision 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 these regulations. Further, the regulations set forth by this Article shall be minimum regulations which shall apply uniformly throughout the Jurisdiction of this ordinance except as hereafter provided.

A. Each separate principal use/building within the jurisdiction of this Article shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning ordinance of the City of Crete, Nebraska.

B. No subdivision of land shall be permitted within the Jurisdiction of this Article unless a plat is approved in accordance with the provisions of this Article. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been

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approved by the City Council and recorded with the Saline County Register of Deeds.

C. These regulations shall not apply to the following:

1. To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres.
2. The subdivision of burial lots in cemeteries.
3. A change in the boundary between adjoining lands which does not create an additional lot or results in a non-conformity of an existing lot.

§11-304 DEFINITIONS. For the purposes of this Article, certain terms or words used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

BUILDING INSPECTOR. The person duly designated by the City Council of said City to enforce this Article.

BUILDING LINE. A line established generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in this Article.

COMMON OPEN SPACE. That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.

COMMON SEWER SYSTEM. A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM. A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis which is in public ownership.

COMPREHENSIVE PLAN. The long range development plan adopted by the City Council.

COVENANT. Written promise or pledge.

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CULVERT. A transverse drain that channels water under a bridge, street or driveway.

EASEMENT. A grant by property owner to the public, a corporation or persons of the use of a tract of land for a specific purpose.

ENGINEER. One, licensed by the State of Nebraska, designated by the City Council to act for the City.

FRONTAGE. The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.

GREEN AREA. Same as common open space.

IMPROVEMENT. Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one (1) main building together with its accessory buildings, the open spaces and parking required by this Article and fronting upon a street.

LOT OF RECORD. A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Saline County Clerk.

LOT, CORNER. A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines and the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, INTERIOR. A lot other than a corner lot with only one (1) frontage on a street.

LOT, THROUGH. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as a double frontage lot.

LOT, REVERSED FRONTAGE. A lot in which the frontage is at right angles or approximately right angles, interior angle less than one

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hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a comer lot, an interior lot or a through lot.

MONUMENTS. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot comers, boundary line corners and points of change in street alignment.

OUT LOT. Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

PARKING SPACE, OFF-STREET. Off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

PEDESTRIAN WAYS. A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

PLANNED DEVELOPMENT. Special development of certain tracts of land, planned and designed as a unit for one (1) or more land uses under the regulations and procedures contained in this Chapter.

PLANNING AREA. The statutory zoning jurisdiction of the City.

PLANNING COMMISSION. The appointed planning body designated by the City Council.

PLAT. Map, drawing, or chart upon which the developer's plan of subdivision (Preliminary) is presented to the City Council for approval and, after such approval, to the County Clerk for recording.

PLOT. A parcel of ground.

PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or

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other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE. See Building Line.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK. A dedicated public way, four (4') feet or more in width, whether along the side of a road or not.

STREET. A way for vehicular traffic and when used in this Article without further explanation, shall indicate platted street or right-of-way.

SUBDIVIDER: The owners, developers or agents of persons or corporations affecting subdivision.

SUBDIVISION. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership, building development, or, if a new street is involved, and division of a parcel of land. The term includes resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR. Any person registered in Nebraska to practice surveying.

THOROUGHFARE, STREET OR ROAD. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

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Arterial Street: A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

Collector Street: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

Local Street: A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.

Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road)

VICINITY MAP. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Crete, in order to better locate and orient the area in question.

WALKWAY. See sidewalk.

ZONE OR DISTRICT. A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of the use of building, land, and open spaces about building, are established. (*Amended Ord. 1945, 9/15/15*)

§11-305 SEVERABILITY. Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Article as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

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§11-306 PROCEDURES.

A. Pre-application Meeting. A pre-application meeting between the applicant or their representative and Building Inspector will be required prior to the submission of an application for approval of a preliminary plat. No application for preliminary plat will be accepted until after the pre-application meeting. The purpose of the pre-application meeting is to review policies, procedures and forms required By the City of Crete. The applicant shall provide the following minimum information as part of a conceptual review sketch plan:

1. The proposed layout of streets, lots and utilities in relation to existing streets, utilities, topography and other conditions; and

2. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

B. Plat Submission Requirements. The subdivider shall submit to the Building Inspector nine (9) copies of the preliminary plat and supplemental material specified, with written application for conditional approval, at least twenty-one (21) days prior to the regular meeting of the Planning Commission at which the request will be heard.

C. Fees. The pre-application procedure does not require formal application, fee, or filing of plat with the Planning Commission. Fees thereafter will be set by the City Council.

D. Scale and Preliminary Plat Contents. Preliminary plats shall be a scale of one (1") inch to one hundred (100') feet or 1" = 200' if seventy-five (75%) percent of the lots are one (1) acre or larger, and shall be prepared with the following information:

1. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.

2. Present zoning

3. Date, north point and graphic scale.

4. Location of property lines, roads, existing utilities with size of lines, and other underground installations and easement.

5. Names of adjoining properties or subdivisions.

6. Proposed utility system, including water, sewer and paving.

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7. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.

8. Location of proposed drainage.

9. Contours at intervals of two (2') feet or five (5') feet intervals at 1" = 200' scale.

10. Proposed improvements and grading concepts.

11. Location of existing buildings.

12. Proposed easements, dedications and reservations of land required.

E. Notification of Improvement Schedule. Sub-divider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.

F. Notification of County Planning Commission. The City shall notify the County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given six (6) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

G. Notification of School Board. At least ten (10) days prior to the Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

H. Approval or Rejection. After review of the preliminary plat and negotiations with the sub-divider, the Planning Commission shall reject or conditionally approve the preliminary plat, within forty (40) days after the official meeting at which the plat was considered.

I. Recording of Action. The action of the Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.

J. Approval is Conditional. Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final

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plat, which will be subject to further consideration by the Planning Commission and the City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

K. Installation of Improvements for Final Plat Approval. Following approval of the preliminary plat, the subdivider shall:

1. Agree to install the required improvements or;
2. Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
3. Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

L. Final Plat Submission Requirements. Final plats, showing entire concept, shall be submitted to the City Clerk within one (1) year of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at the time; Provided, however, that such portion conforms to all requirements of these regulations.

M. Scale and Final Plat Contents. One (1) original and two (2) Mylar copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") inch to one hundred (100') feet or larger. The final plat shall show the following:

1. Date, title, name and location of subdivision.
2. Streets and street names, lots, setback lines, lot numbers, etc., except that in industrial type subdivision lot designation may be excluded.
3. Graphic scale and north arrow.
4. Monuments (ferrous) one (1") inch diameter, maximum, thirty (30") inches length minimum.
5. Dimensions, angles and bearings, and complete legal description of the property.
6. Sufficient survey data to reproduce any line on the ground.
7. Names of adjoining subdivisions.
8. Location and dimensions of any easements.

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9. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.

10. Certification by surveyor as to accuracy of survey and plat.

11. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.

12. Certification recording the approval of the Planning Commission.

13. Certification recording the approval of the City Council.

N. Supplementary Data Required. The final plat shall be accompanied by:

1. Detailed construction plans of all required public improvements, approved by an Engineer.

2. Certificate by the City Clerk certifying that the subdivider has posted a bond or certified check which is available to the City, and in sufficient amount to complete all required public improvements as approved by an Engineer.

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

P. Planning Commission Recommendations. The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission.

Q. Administrative Subdivision. In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three (3) lots of record, the subdivider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the subdivider of its obligation to comply with Section 8: Streets, Alleys, Sidewalks and Driveways; and Section 9: Utility and Drainage Facilities of the Subdivision Regulations. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision. The procedure for such application will be as follows:

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1. Application will be made to the City Council and the City Council may act or may at their option refer the application to the Planning Commission. In the event it is referred to the Planning Commission, the procedures outlined under the final plat provisions shall be followed.

2. The subdivider shall submit an original and eleven (11) copies of the plat. The original shall be drawn in ink on tracing cloth, mylar, or similar material, and shall be at a scale of 1" to 100' or larger. The plat shall contain the following:

a. Date, title, name, and location of the subdivision.

b. Names and locations of abutting streets and lots identifying street names and lot and block numbers.

c. Identification of the new lot and block numbers and set back lines.

d. Graphic scale and true north point.

e. Monuments.

f. Dimensions, angles and bearings and complete legal description of the property.

g. Sufficient engineering data to reproduce any line on the ground.

h. Location, dimensions, and purposes of any existing easements.

i. Certification by surveyor or engineer certifying to the accuracy of the survey and plat.

j. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.

3. The plat shall be accompanied by:

a. Protective covenants in form for recording if such are desired by the subdivider.

b. For subdivisions adjoining or touching the boundaries of the Crete corporate limits; a tract or area for which annexation proceedings have Crete commenced; an approved subdivision which touches or adjoins the Crete corporate limits, a petition signed by the owner or owners requesting annexation to the City.

c. Utility easements signed by the owner or owners to permit all lots created access to all utilities available in the City, including but not limited to, sanitary sewer, storm sewer, water, electrical, telephone, and cable television.

(Amended Ord. 1945, 9/15/15; 1960, 11/3/15)

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§11-307 STREETS, ALLEYS SIDEWALKS, DRIVEWAYS.

Streets. The arrangements, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Street Extensions. The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the City Council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the City Council deems it necessary, such dead end streets shall be provided with a temporary turnaround having a radius of at least sixty (60') feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

Dedication of Right-of-Way for New Streets. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive development plan. All streets classified as arterial streets by the comprehensive development plan shall have all points of access approved by the City Council. Marginal access streets may be required by the City Council for subdivisions fronting on arterial streets.

Dedication of Right-of-Way for Existing Streets Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Article. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one (1) side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

Intersections. Streets shall intersect as nearly as possible at an angle of ninety (90°) degrees, and no intersection shall be

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at any angle of less than sixty (60°) degrees. Street curb intersections shall be rounded by radii of at least twenty (20') feet. When the smallest angle of street intersection is less than seventy-five (75°) degrees, the City Council may require curb radii of greater length. Wherever necessary to permit the construction of curb having a desirable radius without reducing the sidewalk at street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within fifty (50') feet of the right-of-way of any street which intersects such arterial street on, the side on which such lot or parcel is located.

Horizontal and Vertical Street Curves. A tangent at least one hundred (100') feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten (10°) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves provided shall be required. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200') feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4-1/2') feet above the pavement surface, to an object four (4") inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the City.

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 one-half of one percent (1/2 of 1%). The City shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the City shall require profiles or elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be

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designed so as not to restrict the flow of water and thereby increase flood height.

Widths and Grades. Right-of-way widths, pavement widths, and grades shall be:

Street Classification	Minimum Right-of-way (ft.)	Minimum Pavement Width (ft.)	Maximum Grade (%)
Arterial	80	32	7
Collector	50	32	7
Local	50	30	10
Cul-de-sac and Loop	60	100' diameter	10
Marginal Access (Frontage Road No Parking)	50	32	10
Alleys	20	16	10

Provided on-street parking is allowed only on one side of street; thirty-two (32') feet required if parking allowed on both sides of street.

Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the City may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway or local traffic volumes and vehicular speeds warrant special safety considerations, the City may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railway right-of-way or limited access highway right-of-way, the City may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate

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use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125') feet shall be prohibited. Cul-de-sacs, minor terminal or dead end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500') feet and shall be provided at the closed end with a turnaround having a radius at the outside of the right-of-way of at least sixty (60') feet.

Street Names. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than forty-five (45°) degrees without a return to the original alignment within a distance of five hundred (500') feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Engineer prior to such names being assigned or used.

Private Streets and Reserve Strips. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City or County under conditions approved by the Council as authorized herein.

Grading Specification. All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the

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accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2') feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

Minimum Pavement Widths. Pavement widths shall be measured between curb backs. Minimum pavement or surface widths shall be provided according to the code of the City of Crete.

Street Surfacing. The streets in the proposed subdivision shall be paved, including curbs and gutters, and street surfacing shall be of concrete or any other suitable surface as recommended by the City Engineer and approved by the City Council. Requirements for paving, including curb and gutter, may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of three hundred (300') feet or more or an average lot width of three hundred (300') feet, subject to the approval of the City Engineer. Streets in such subdivision shall have a crushed rock or gravel surface which meets the specifications of the City.

Curb and Gutter. Curb and gutter shall be provided as required by the City Engineer. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the City and as approved by the City Engineer.

Street Name Signs. Street name signs, of a type in use throughout the City, shall be erected by the subdivider at all intersections.

Alleys. Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall be twenty (20') feet. Alley

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intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead end, as determined by the City Council. Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the City Council.

Sidewalks. Sidewalks shall be provided as required by existing City ordinances and shall be constructed of Portland cement concrete or other acceptable materials as approved by the City Council. Sidewalk thickness shall be not less than four (4") inches and sidewalk width not less than four (4') feet.

Driveways. Driveways shall have a maximum grade of ten (10%) percent. Driveways and curb cuts shall be located not less than three (3') feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3') feet wider than the driveway pavement on each side.

Street and Walkway Lighting. The subdivider shall install street lights as required by the City Council. Such lights shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two (2) adjacent street or walkway lights would exceed three hundred (300') feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground, if required by the Public Works Director of the City.

§11-308 UTILITY AND DRAINAGE FACILITIES.

A. General. Sanitary sewer, storm sewer, and water distribution lines shall be installed within the unpaved portions of the street when practical. Sanitary sewer lines will normally be placed on the east portion of the right-of-way on north-south streets, and on the south portion of the right-of-way on east-west streets. Water distribution lines will normally be located in the west portion of the right-of-way on north-south streets, and on the north portion of the right-of-way of east-west streets. Natural gas lines will normally be placed on the same side of the street as water lines. Storm sewer lines will normally be placed on the same side as the sanitary sewer lines. All the described lines shall be placed in the unpaved

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areas of the street right-of-way where practical. Electric, telephone and other communication lines will be placed at the rear of platted lots in dedicated alleys where possible. If alleys are not provided, then these lines shall normally be placed in rear lot easements. The width of the easement shall not be part on one (1) lot and part on an abutting lot, but shall be entirely upon one (1) lot. All such utility lines, including service connections shall be completely installed, and inspected and approved by the City Engineer, following the grading of the street and prior to the application of any pavement base. Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed, provided service connections that will pass under surfaces to be paved will be properly installed by the subdivider prior to the paving of the street. Pavement cuts will not be permitted for installation of service connections following paving. Where rock or other obstacles are known to exist beneath the pavement area at such depth as to interfere with the installation of electric, water, natural gas, communications or other service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

B. Water Supply Improvements. Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the City Council, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the City and State Health Departments. Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one (1) or more test wells in the area to be platted, if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well-driller and shall be submitted with the plat to the City. Where public water is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in the zoning regulations, provided that in no case shall said minimum lot be less than one (1) acre in area.

C. Sanitary Sewer Improvements. The following requirements shall govern sanitary sewer improvements:

1. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the City

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Council, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the City standards and the Nebraska Department of Environmental Quality and the Department of Health. Combinations of sanitary sewers and storm sewers shall be prohibited.

2. Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:

a. A central treatment plant, provided that such central treatment plant is installed in accordance with the City and State Department of Environmental Quality and Department of Health requirements, or

b. Lots may be served by individual disposal systems, if provisions of the following section are met.

3. a. Where the installation of individual disposal systems is considered the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City and the Nebraska Department of Environmental Quality and Department of Health.

b. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one (1) acre in area where there is a public water supply available at the lot, and two and one-half (2-1/2) acres where there is no public water supply available.

c. At least one (1) percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the City Council and the City Board of Health.

D. Drainage Improvements. An adequate system for the drainage of all surface water within the area being subdivided, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other structures, shall be constructed by the developer. Such drains shall comply as to size with such requirements, conformable to good engineering practice, as the

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Crete City Council shall prescribe; provided that such drains in no event shall be less than twelve (12) inches in diameter. Cross drains shall be constructed to accommodate all natural water flow, be built on a straight line and grade, be laid on a firm base but not on rock and be of sufficient length to permit construction of streets and alleys to their required width and grades.

Surface drainage pipes shall be laid with the spigot end pointed in the direction of the flow, and all ends shall be fitted and matched to provide tight joints and a smooth uniform invert. Such pipes shall be placed at a depth below the road bed that is sufficient to avoid dangerous pressure from impact, and the top, in no event, shall be less than one (1) foot below the surface of the road bed.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Crete City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Regulations.

The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development or the subdivision will overload an existing downstream drainage facility or flood existing development upstream, the Crete Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

Subdivision proposals and other proposed new development be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards so as to assure that all building sites are reasonably safe from flood hazards.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration

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of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage study required for submittal approval.

E. Storm Sewers and Storm Water Drainage. Where an adequate public storm sewer system is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easement of adequate width shall be provided, as determined by the City Engineer and approved by the City Council. Paved gutters or storm sewers shall be required if velocities are greater than specified in these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

F. Culverts and Bridges. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be eighteen (18") inches. Depending on existing drainage conditions, head walls may be required.

2. Driveway culverts shall have a minimum length of twenty (20') feet, and a minimum diameter of eighteen (18") inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

G. Erosion Control. The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City and the City Engineer.

H. Fire Protection. Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for

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blocks exceeding eight hundred (800') feet in length. Hydrants shall also be required at the entrance and end of all Cul-de-sacs exceeding four hundred (400') feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6") inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the City Engineer and the Fire Chief, or his/her designee.

I. Electric, Gas and Telephone Improvements.

1. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting, and communications conductors may be installed underground at the option of the Public Works Director.

2. Overhead secondary utility lines, where permitted shall be located at the rear of all lots.

3. Whenever a sanitary sewer line and electric and/or telephone line is each placed under ground in the same utility easement, the following provisions shall be applicable:

a. the total easement width shall not be less than fifteen (15') feet, and

b. the sanitary sewer line shall be installed within three (3') feet of the easement, and the electric and/or telephone line shall be installed within three (3') feet of the opposite side of the easement.

J. Solar Access. In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

In order to allow the orientations of structures on the site so as to maximize potential solar gain, side lot lines should run as near to north-south as possible providing that the angle between the side of lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than eighty (80) degrees.

Any property owner or developer may grant or establish a solar sky-space easement to protect solar energy systems from shade. The easements shall be created in writing and shall be recorded separately or should be contained on the face of the

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plat. The easements shall run with the land. (*Amended Ord. 1945, 9/15/15*)

§11-309 SHARED IMPROVEMENT COSTS.

A. Over-size and Off-site Improvements. The utilities, pavement and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City and the City Engineer.

B. Cost of Over-size Improvements. Minimum street pavement widths shall conform to the standards set by the City Council. Where pavement widths greater than said standards are deemed necessary by the City Engineer and approved by the City Council, the City shall bear the extra cost of providing a greater than minimum pavement width required by said standards. The subdivider shall be required to pay for only that part of the construction Costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the City and the City Engineer. The City shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas as specified in the first paragraph of this section.

C. Extensions to Boundaries. The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Council.

D. Off-site Extensions. If street or utilities are not available at the boundary of a proposed subdivision, and if the council finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a Municipal expense until some future time, the subdivider may be required, prior approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

§11-310 SUBDIVISION

A. Completion of Improvement. Prior to final plat approval, the subdivider shall complete, in a manner satisfactory to the City Council and the City Engineer, all improvements required herein specified in the final subdivision plat, and as approved by the City Council, and shall dedicate same to the City in accordance with the following sections.

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Final plat approval shall not be granted until the dedication of said improvements has been accepted by the City.

B. Inspection and Certification. The City Engineer, or other designated City Official, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the City Engineer shall file with the City Council a statement either certifying that the improvements have been completed in the specific manner or listing the defects in these improvements. Upon completion of the improvements, the subdivider shall file with the Council a statement stipulating the following:

1. That all required improvements are complete,
2. That these improvements are in compliance with the minimum standards specified by the Council for their construction.
3. That the subdivider knows of no defects from any cause in those improvements.
4. That these improvements are free and clear of any encumbrance or lien, and
5. A one (1) year guarantee from the date of acceptance by City Council.

The subdivider shall also file with the City an agreement dedicating said improvements to the City. If the City Engineer has certified that the contracted improvements are complete, then, upon receipt of the other statements and agreements detailed above, the City shall accept the dedication of those improvements. The City may, at its discretion, accept the dedication of any portion of the required of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

In lieu of requiring the completion of all improvements prior to final plat approval, the City may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this Article, or otherwise specified by the City Council, in a manner satisfactory to the Council. To secure this contract, the subdivider shall provide, subject to the approval of the Council, one of the following guarantees.

C. Performance Bond. The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City of Crete and shall be in an amount to cover the entire cost, as estimated by the subdivider and approved by the City Engineer of installing all contracted improvements. The

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duration of the bond shall be until such time as the improvements are accepted by the City.

D. Escrow Account. The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the City Council. The amount of the deposit shall be at least equal to the cost, as estimated by the subdivider and approved by the City Engineer, of installing all required improvements.

E. Security Agreement. The subdivider shall provide a Security Agreement guaranteeing the installation of all required improvements. The Security Agreement must be approved by the City Attorney and in an amount sufficient to guarantee the installation of all improvements.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the financial bank and himself/herself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period; and

2. That in the case of a failure on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

F. Sequential Approval of Subdivision Segments Without Guarantee. Where a subdivision is to be developed in several sections, the City Council may, at its discretion, waive the use of a guarantee on the initial sections, provided that such sections may not be larger than twenty-five (25) lots, or fifty (50%) percent of the total number of lots in the subdivision, whichever is less. The City Council shall grant final plat approval for each succeeding section being contingent upon completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with this section.

Completion of improvements in the final section of the subdivision, which shall include at least twenty-five (25) lots, or fifty (50%) percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the

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use of one (1) of the other methods detailed under this section of this Article.

G. Special Assessment. The City may, at its discretion, enter into an agreement with the subdivider to pay the cost of the required improvements through the use of a special assessment. The City shall make such arrangements for actual construction and interim financing as it deems appropriate, provided that construction of improvements in any section of the subdivision shall be completed in a time period not longer than would be allowed if another form of improvement guarantee were used.

H. Time Limits. Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The City Council shall have the power to extend the deadline for one (1) additional year where the subdivider can present substantial reason for doing so.

I. Failure to Complete Improvements. If any portion of the required improvements shall fail to be accepted for dedication in compliance with this Article within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the City Council shall take one (1) of the following actions:

1. Where improvements have been guaranteed under this Article, preliminary plat approval shall be revoked.

2. Where improvements have been guaranteed under this section of this Article, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the City Council is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the City Council shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

J. Inspection and Certification. The City Engineer or other authorized person shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the City Engineer or other authorized person shall file with the City Council a statement either certifying that the improvements have been completed in the specified manner or listing defects in those improvements which do not meet the

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requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider shall file with the City Council a statement stipulating the following:

1. That all required improvements are complete
2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and City Council.
3. That the subdivider knows of no defects from any cause in the improvements.
4. That these improvements are free and clear of any encumbrance or lien.

If the City Engineer or other authorized person has certified that the improvements are complete and free from defect, the City Council shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received by the City of Crete for that portion of the improvements.

K. Reduction of Guarantees. In those cases where improvement guarantees have been made under this section of this Article, the amount of the guarantee may be reduced upon this section of this Article, the amount of the guarantee may be reduced upon acceptance in compliance with this section of the dedication of a portion of the required improvements.

L. Release of Guarantee. After final approval and prior to the expiration of one (1) year after the date of final approval, or such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the contract documents, if any work is found to be defective, the subdivider will promptly, without cost to the City and in accordance with the City's written instructions, either correct such defective work, or if any work has been rejected by the City, remove it from the site and replace it with non-defective work. It shall be the duty of the subdivider to notify the City Council in writing within thirty (30) days prior to the expiration of the one (1) year period to make the final inspection of the work. Unless the subdivider shall furnish such notices, the obligation to maintain the work shall continue in force until such notices have been furnished, the work inspected, and any required corrections made. (*Amended Ord. 1945, 9/15/15*)

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§11-311 OPERATION AND MAINTENANCE. It is the intention of the City to provide no services other than planning and zoning administration to its area of planning and zoning jurisdiction beyond the corporate boundaries of the City. It will be the obligation of the subdivider to present the City Council a precise approach for the provisions of these services. Said approach may include the formation of districts, homeowners organizations or other methods to operate and provide for long term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement or contract in a manner which is accepted by the City Attorney.

11-312 DEDICATION OF PUBLIC LAND

A. Dedication.

1. At the time of final plat approval by the City Council, the owners shall be required to dedicate to the public use all streets, alleys, easements, and buffer strips as required by the City Council and these Regulations. Acceptance of dedicated land shall be recorded in the minutes of the City Council.
2. Subdividers of "Commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the City Council. (*Amended Ord. 1945, 9/15/15*)

11-313. ANNEXATION AND RECORDING OF PLAT

A. Subdivision Annexation of Adjoining or Contiguous Properties. All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon approval of and acceptance by Resolution of the City Council. (Ref § 19-916)

B Subdivision Annexation: Petition for Annexation. Any subdivision in which there are lands dedicated to the City or any subdivision serviced by public utilities shall be annexed to the City. Before approval for the final plat is given, the Municipal Body shall receive a Petition for annexation from the owners of the subdivided properties.

C Subdivision Annexation: Adoption Plan by Resolution. The City Council desiring to annex land under the authority of this section shall first adopt both a resolution stating that the

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City is considering the annexation of the land and a plan for extending City services to the land. The resolution shall state:

1. The time, date and location of the public hearing required below;
2. A description of the boundaries of the land proposed for annexation; and
3. That the plan of the City for extension of City services to the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

The plan adopted by the City Council shall contain sufficient detail to provide reasonable persons with a full and complete understanding of the intentions of the City for extending City services to the land proposed for annexation. The plan shall:

1. State the estimated cost impact of providing the services to such land.
2. State the method by which the City plans to finance the extension of services to the land and how any services already provided to the land will be maintained.
3. Include a timetable for extending service to the land proposed for annexation, and
4. Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City, the proposed boundaries of the City after annexation and the general land-use pattern in the land proposed for annexation.

A public hearing on the proposed annexation shall be held within sixty (60) days following the adoption of the resolution to allow the City Council to receive testimony from interested persons. The City Council may recess the hearing, for good case, to a time and date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in the official newspaper or the City at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by

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first-class mail, following its passage, to the school board of any school district in the land proposed for annexation. (Amended Ord. 1945, 9/15/15)

§11-314 VARIANCES.

A. Granting of Variances; Conditions. The City Council may grant variances from the provisions herein, but only after determining that:

1. There are unique circumstances or conditions affecting the property,

2. The variance is necessary for the reasonable and acceptable development of the property in question,

3. The granting of the variance will not be detrimental to the public welfare or injurious to the adjacent property.

B. Recording of Plat. In no case shall the requirement of filing and recording a plat for subdivision be waived.

C. Planned Development. The Council may also grant reasonable variances, if the subdivider concurrently submits an application for, and obtains approval of, a planned development. The subdivider shall indicate where the plans vary from the requirements of Article and shall present sufficient evidence to support the request, indicating why the request will not be detrimental to the public health, safety and welfare. (Amended Ord. 1945, 9/15/15)

11-315. PUBLIC SITES AND OPEN SPACES.

A. Recreation Standards. The Crete Planning Commission may require that land be dedicated for parks and playgrounds or other recreation purposes. Such areas shall be shown and marked on both the preliminary and final plat, as "Dedicated for Park and/or Recreation Purpose." The developer shall dedicate all such recreation areas to the City of Crete as a condition of final subdivision plat approval. The Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

B. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes; and shall be improved by the developer to the standards

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required by the Planning Commission, which improvements shall be included in the performance bond.

A recreation site shall have a total frontage on one (1) or more streets of at least one hundred (100) feet, and no other dimension of the site shall be less than one hundred (100) feet unless it is for a designated linear park. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Crete Park Board for a recommendation. All land to be reserved for dedication to the City of Crete for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Dedicated for Park." (Amended Ord. 1945, 9/15/15)

§11-316 WAIVER FOR SMALL SUBDIVISIONS. The subdivider may make application for, and the Council may grant, a waiver of some or all of the requirements provided for herein for small residential, commercial and industrial subdivisions where the following conditions exist:

A. The subdivision contains no more than four (4) lots, which total area of said lots shall not exceed one-half (1/2) acre, and conform to existing zoning ordinances.

B. All lots of the proposed subdivisions shall be platted on existing streets,

C. Surfaces of all streets serving the subdivision meet, or exceed, street surface standards of the City,

D. Public water, sanitary sewer, storm sewer system facilities are available to all lots in the subdivision,

E. The development of the subdivision will not increase erosion or flooding potential, and

F. The subdivider demonstrates to the Council that said development is in conformity with the potential development of abutting property.

A subdivider requesting a waiver hereunder shall submit said request in writing to the Council prior to the submission of a preliminary plat. The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to code numbers and descriptive headings. (Amended Ord. 1945, 9/15/15)

§11-317 PLANS, PLATS, AND THE LIKE; MUNICIPAL OFFICIALS; DUTY.

(1) A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, plats, and reports shall not accept or approve plans, specifications, plats, or reports which have not been prepared in accordance with the Engineers and Architects Regulation Act.

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(Neb. RS 81-3447)

(2) A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps, and reports shall not accept or approve plans, specifications, geological maps, or reports which have not been prepared in accordance with the Geologists Regulation Act. (Neb. RS 81-3538)

Statutory reference:

Geologist license not required for certain municipal work and other specified activities, see Neb. RS 81-3541

Similar exemptions under the Engineers and Architects Regulation Act, see Neb. RS 81-3449 and 81-3453. (Ord. No. 1456, 08/03/99; 1945, 9/15/15)

§11-318 AMENDMENTS. Any provision herein from time to time may be amended, supplemented, changed, modified or repealed by the Governing Body according to law; Provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report and recommendations of the Planning Commission. (Amended Ord. 1945, 9/15/15)