

CHAPTER 153: SUBDIVISION REGULATIONS

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§ 153.01 TITLE.

This chapter shall be known and may be cited as the subdivision regulations for the city.
(1999 Code, § 11-201)

§ 153.02 PURPOSE AND APPLICATION.

(A) *Purpose.* The purpose of these regulations is to provide for the orderly development of the city so as to obtain functional street layouts, adequate lot sizes, open spaces, adequate community facilities and utilities and generally provide for the health, safety and general welfare of the city.

(B) *Application and jurisdiction.* Any ordinal proprietor of any tract or parcel of land within the city or one-half mile thereof, who has subdivided, or shall hereafter subdivide the parcel into two or

more parts, for the purpose of laying out the city, or additional thereto, or part thereof, or suburban lots, shall cause a plat of the subdivision in accordance with these regulations.

(1999 Code, § 11-202) (Ord. 04-672, passed 7-6-2004)

Statutory reference:

Authority, see Neb. RS 17-1002, 19-916, 19-921

§ 153.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. 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.

ALLEY. A public right-of-way which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

CITY COUNCIL. City Council of Friend, Nebraska.

COMPREHENSIVE PLAN. A general plan for the improvement and development of the city, as adopted by the City Planning Commission and the City Council.

FRONTAGE STREET. Minor streets which are parallel to and adjacent to major streets or highways and provide access to the abutting properties and protection from through traffic.

EASEMENT. A right to use a parcel of land, granted to the general public, utility, corporation or city, by the property owner.

LOT. A portion of a subdivision or other parcel of platted land, intended as a unit for transfer or ownership or for development.

MAJOR STREET. A street designated as a **MAJOR STREET** in the Comprehensive Plan for the city.

MINOR STREET. A street not designated as a major street in the Comprehensive Plan for the city.

PLANNING COMMISSION. City Planning Commission of Friend, Nebraska.

PLAT. A map, drawing or chart on which the subdivider's plan of the subdivision is presented to the Planning Commission and City Council for approval, and which he or she intends, in final form, to record.

STREET. A right-of-way, dedicated to public use, which affords a primary means of access.

SUBDIVIDER. A natural person, firm, partnership, association or any other group who submits a proposed subdivision for approval.

SUBDIVISION. The division of a 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 transfer of ownership or building development.

(1999 Code, § 11-203) (Ord. 04-672, passed 7-6-2004)

§ 153.04 PROCEDURE FOR SUBMISSION AND APPROVAL.

(A) *Preliminary plat.* In obtaining approval for a proposed subdivision, the subdivider shall submit a preliminary plat showing and including data specified in § 153.05 and in accordance with the following procedure.

(1) The subdivider shall prepare a preliminary plat and file with the City Council eight copies of the preliminary plat and written application for conditional approval.

(2) The City Council shall refer the proposed preliminary plat to the Planning Commission for its consideration. The preliminary plat shall be referred to the Planning Commission at least ten days prior to the meeting at which it is to be considered.

(3) The Planning Commission shall examine the plat as to its compliance with these regulations and the Comprehensive Plan of the community and shall have 30 days in which to submit a recommendation to the City Council for its consideration. In case of modification or disapproval, the Planning Commission shall give its reasons.

(4) The City Council, upon receiving the Commission's recommendation, or after 30 days, or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat. Approval of the preliminary plat by the City Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

(B) *Final plat.* In obtaining approval for a proposed subdivision, the subdivider shall submit a final plat showing and including the data specified by § 153.06 in accordance with the following procedure.

(1) A final plat shall be submitted within 12 months of the approval of the preliminary plat, or the approval shall expire and the preliminary plat shall be resubmitted for approval prior to the preparation of the final plat.

(2) Procedures for final plat shall be the same as set out for the preliminary plat in division (A) above.

(3) Upon approval of the final plat, a certification of approval signed by the Mayor, and attested to by the County Clerk shall be affixed to the original of the final plat and copies of the same

filed with the City Clerk, City Auditor and County Recorder, along with other certifications and instruments as may be required by law.

(C) *Plats outside corporate limits.* Procedure for approval of preliminary and final plats of land within one mile of the corporate limits shall be the same as set out in divisions (A) and (B) above, except that five copies of the plat shall be filed and one copy referred to the County Surveyor with a request for his or her recommendations to be submitted to the Planning Commission. The Planning Commission shall not take action on the plat prior to receiving the recommendations of the County Surveyor.

(D) *Submission to the School Board.* Prior to any approval of the preliminary or final plats by the Planning Commission and City Council, a copy of each preliminary or final plat shall be submitted to the School Board for their consideration and recommendations. The Board shall within 30 days recommend in writing to the governing body that the plat be approved or disapproved in whole or in part or those changes as may be desirable. This recommendation shall be advisory, and failure of the Board of Education to make written recommendation within 30 days shall be construed as an approval of the proposal submitted.

(E) *Professional assistance.* The City Council or the Planning Commission may request professional assistance as it deems necessary to properly evaluate the plats as submitted. (1999 Code, § 11-204) (Ord. 04-672, passed 7-6-2004) Penalty, see § 153.99

§ 153.05 PRELIMINARY PLAT REQUIREMENTS.

The preliminary plat shall contain the following information:

(A) A location map showing:

- (1) The subdivision name;
- (2) An outline of the area to be subdivided;
- (3) The existing streets and town utilities on adjoining property; and
- (4) North point and scale.

(B) A preliminary plat of the subdivision drawn to the scale of 100 feet to one inch, the preliminary plat to show:

- (1) Legal description, acreage and name of proposed subdivision;
- (2) Name and address of the owner;

- (3) Name of person who prepared the plat, and date thereof;
- (4) North point and graphic scale;
- (5) Contours at five foot intervals or less;
- (6) Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision;
- (7) Layout of proposed blocks (if used) and lots including the dimension of each, and the lot and block number in numerical order;
- (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;
- (9) Names of adjacent property owners;
- (10) Grades of proposed streets and alleys;
- (11) A cross section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and sidewalks to be installed;
- (12) The layout of proposed water mains and sanitary sewers;
- (13) The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures; and
- (14) Proposed building lines, if different than the yard requirements established in the zoning regulations.

(C) For subdivisions containing seven or more total lots, a grading plan and a storm sewer study shall also be required in addition to the above information.
(1999 Code, § 11-205) (Ord. 04-672, passed 7-6-2004) Penalty, see § 153.99

§ 153.06 FINAL PLAT REQUIREMENTS.

The final plat shall meet the following specifications.

- (A) It may include all or only part of the preliminary plat.
- (B) The plat shall be drawn to the scale of 100 feet to one inch.

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(C) The final plat shall contain the following:

- (1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 3,000 feet;
 - (2) Accurate references to known or permanent monuments;
 - (3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
 - (4) Accurate legal description of the boundary;
 - (5) Street names;
 - (6) Complete curve notes for all curves included in the plan;
 - (7) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley and lot lines;
 - (8) Lot numbers and dimensions;
 - (9) Block numbers, if used;
 - (10) Building lines if different than yard requirements of the zoning regulations;
 - (11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
 - (12) Location, type, material and size of all markers;
 - (13) Name of the subdivision;
 - (14) Name and address of owner and subdivider;
 - (15) North point, scale and date;
 - (16) Certification by a land surveyor of the state;
 - (17) Certification of dedication of streets and other public property; and
 - (18) Resolution and certificate for approval by the City Council and signatures of the Mayor and City Clerk.
- (1999 Code, § 11-206) Penalty, see § 153.99

§ 153.07 DESIGN STANDARDS.

(A) *Streets.*

(1) *Continuation.* New subdivisions shall make provision for continuation and extension of arterial and collector streets.

(2) *Rights-of-way.* Rights-of-way shall be provided as follows:

Alleys, commercial or industrial district	20 feet
Alleys, residential	16 feet
Collector streets	70 feet
Cul-de-sacs	110 feet in diameter
Minor residential streets	50 feet
Residential streets	60 feet
Thoroughfare streets	80 feet

(3) *Pavements.* Pavements shall be provided as follows:

Alleys	16 feet
Collector streets	41 feet
Cul-de-sacs	85 feet in diameter
Minor residential streets	25 feet
Residential streets	31 feet
Sidewalks	4 feet
Thoroughfare streets	45 feet

(4) *Grades.* No street grade shall be less than 0.5% and shall not exceed the following limits:

Collector streets	8%
Residential streets	10%
Thoroughfare streets	6%

(5) *General considerations.*

(a) Intersections of more than two streets at a point shall not be permitted.

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(b) Jogs of less than 125 feet shall be avoided.

(c) Intersection of street centerlines shall be between 80 degrees and 100 degrees.

(d) No dead-end streets and alleys will be permitted except at subdivision boundaries.

(e) Cul-de-sacs shall not exceed 500 feet in length.

(f) Arterial and collector streets in a subdivision shall extend through to the boundaries thereof.

(g) Alleys shall be discouraged in residential districts but shall be provided in commercial and industrial districts.

(B) *Easements.* Easements across lots that are centered on rear or side lot lines shall be provided for utilities, where necessary, and shall be at least 12 feet wide.

(C) *Blocks.*

(1) Except in unusual circumstances, the length of blocks shall not be less than 600 feet and not greater than 1,320 feet.

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

(D) *Lots.*

(1) Lot dimensions and area for lots served by a public sewer shall conform to the requirements of the zoning regulations. 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, and lots not served by public sewer shall not be less than 60 feet in width nor 100 feet in depth, nor 10,000 square feet in area.

(2) Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets.

(3) The subdividing of land shall provide each lot with satisfactory access to a public street.

(4) Double frontage lots shall provide each lot with satisfactory access to a public street.

(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.

(6) Side lot lines shall be substantially at right angles or radial to street lines.

(E) *Public sites and open spaces.* Where a proposed park, playground, school or other public use shown on the Comprehensive Plan for the city is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of the area within the subdivision in those cases in which the Planning Commission deems the requirements to be reasonable. (1999 Code, § 11-207) Penalty, see § 153.99

§ 153.08 IMPROVEMENTS.

The subdivider shall construct and install the improvements described in this section in accordance with the approved construction plan and specifications of the City Council and to its satisfaction.

(A) *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets, lot corners and at the intermediate points as shall be required by the City Council.

(B) *Water lines.* Where a public water main is reasonably accessible, the subdivider shall connect with the water main and provide a water connection for each lot and fire hydrants as approved by the City Council.

(C) *Sanitary sewers.* The subdivider shall provide the subdivision with a complete sewer system which shall connect with a sanitary sewer outlet approved by the City Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.

(D) *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.

(E) *Sidewalks.* A four foot wide concrete sidewalk shall be provided adjacent to each lot frontage.

(F) *Grading.* All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council.

(G) *Curb and gutter.* Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the City Council.

(H) *Surfacing.* All roadways 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 City Council and at grades established by the City Council.

(I) *Specifications.* The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and

specifications shall be submitted to the City Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

(J) *Other improvements.* The City Council, upon recommendation of the Planning Commission, may require the installation of street lights, street signs and street trees.
(1999 Code, § 11-208) Penalty, see § 153.99

§ 153.09 VARIANCES.

(A) *Hardship.* Where the City Council, upon the recommendation of the Planning Commission, finds that extraordinary non-self-inflicting hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that the variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations.

(B) *Conditions.* In granting variances, the City Council, upon the recommendation of the Planning Commission, may require those conditions as will secure substantially the objectives of the standards or requirements so varied.
(1999 Code, § 11-209)

§ 153.10 ENFORCEMENT.

(A) No plat or subdivision of the city or within one-half mile thereof shall be recorded or filed with the County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations and has been approved by the City Council as prescribed herein.

(B) Not more than two building permits shall be issued for each separate tract existing at the effective date of these regulations unless the tract shall have been platted in accordance with the provisions of these regulations.

(C) No public improvements over which the City Council has control and shall be made with city funds, nor shall any city funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of the adoption of these regulations unless the subdivision and streets have been approved in accordance with the provisions of these regulations and the street accepted by the City Council is a public street.
(1999 Code, § 11-210)

§ 153.11 FEES.

Before a preliminary plan may be considered by the Planning Commission, the subdivider shall deposit with the City Treasurer a fee of \$500, together with a unit fee of \$25 for each lot in the proposed subdivision. Before a final plat may be considered by the Planning Commission, the subdivider shall

deposit with the City Treasurer a fee of \$100, plus a unit fee of \$10 for each lot in the proposed subdivision.

(1999 Code, § 11-211) (Ord. 04-672, passed 7-6-2004)

§ 153.12 SUBDIVISION REGULATIONS, SUBDIVISIONS OF EXISTING LOTS OR BLOCKS; PROCEDURES.

(A) *Subdivisions of existing lots and blocks.* The City Council is authorized to approve further subdivisions of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way is involved and the subdivision complies with the existing ordinance requirements concerning minimum areas and dimensions of lots and blocks, if the following conditions are met:

- (1) The subdivision does not involve the dedication of public rights-of-way or easements;
- (2) The subdivision involves the replatting, consolidation or development of one or more lots into not more than four lots;
- (3) The subdivision would not require the vacation of any occupied utility easements; and
- (4) In the opinion of the Council, upon advice of the Planning Commission, the plat is not contrary to the Comprehensive Plan or other plans for the area.

(B) *Application for subdivision approval.* An application for subdivision approval under this chapter shall be submitted to the Building Inspector. The following shall be submitted with the application:

- (1) Application and review fee of \$100 for each lot or block to be subdivided payable to the City Clerk must accompany all applications;
- (2) Survey results and a surveyor drawing of the lot or block to be subdivided performed by a licensed surveyor; and
- (3) Any additional and applicable information as may be required by the Building Inspector.

(C) *Review.* Upon filing, the Building Inspector shall forward the application and supplemental information to the Planning Commission for its recommendation. The Planning Commission may seek input from the City Utilities Superintendent, the School District and the Chief of Police in formulating its recommendation.

(D) *Action.* The Planning Commission shall forward the application with its recommendations, if any, to the Council. The Council shall approve or disapprove the application.

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(E) *Planning Commission and City Council review and action.* If the application under this chapter does not qualify for approval or has been disapproved by the Council, an application for subdivision shall be submitted in accordance with §§ 153.01 through 153.11.

(F) *Deed filing; filing fees.* The applicant shall be solely responsible for filing all instruments necessary to convey title or otherwise accomplish the purposes for which the application was originally submitted in the Register of Deeds' office in the county, and all fees associated therewith. (1999 Code, § 11-212) (Ord. 02-577, passed 4-2-2002; Ord. 04-675, passed 8-3-2004; Ord. 06-688, passed 4-4-2006) Penalty, see § 153.99

§ 153.13 AMENDMENTS.

The City Council may amend these regulations from time to time; provided, however, that these amendments shall not become effective until a recommendation from the Planning Commission is received and a public hearing has been held as required by law. (1999 Code, § 11-213) (Ord. 02-577, passed 4-2-2002)

§ 153.99 PENALTY.

Any person, firm, co-partnership, association or corporation violating any of the provisions of this chapter shall be guilty of an offense and shall upon conviction thereof be punished by a fine not to exceed \$100 or by imprisonment not to exceed six months, or both, at the discretion of the Court. The sale of each and every lot sold in violation of this chapter shall be considered a separate violation. (1999 Code, §§ 11-214, 11-501) (Ord. 02-577, passed 4-2-2002)