



SARPY COUNTY SUBDIVISION REGULATIONS

**AS AMENDED AND APPROVED BY THE
SARPY COUNTY BOARD OF COMMISSIONERS
BY RESOLUTION #2018-207 ON JULY 10, 2018
EFFECTIVE JULY 10, 2018**

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TABLE OF CONTENTS

Section

1. Name and Citation of Titles.....	Page 2
2. Purpose.....	Page 2
3. Definitions.....	Page 3
4. Application and Jurisdiction.....	Page 7
5. Procedure for Approval of Preliminary Plat.....	Page 8
6. Preliminary Plat and Supplemental Data.....	Page 10
7. Procedure for Approval of Final Plat.....	Page 13
8. Final Plat and Required Supplementary Data.....	Page 14
9. Plat of Record Vacation and Lot Line Adjustments.....	Page 17
10. Minimum Design Standards.....	Page 18
11. Public Sites and Open Spaces.....	Page 22
12. Standards for Construction Plans and Specifications.....	Page 23
13. Planned Development.....	Page 28
14. Cluster Subdivision Development.....	Page 30
15. Hardship.....	Page 31
16. Fees.....	Page 32
17. Guideline Procedures for Public Improvements.....	Page 33
18. Validity.....	Page 34
19. Building Permits.....	Page 34
20. Amendments.....	Page 34
21. Severability.....	Page 34
22. Penalty.....	Page 34
23. Conflicting Regulations Appealed.....	Page 34

SARPY COUNTY SUBDIVISION REGULATIONS

SECTION 1 NAME AND CITATION OF TITLES

- 1.1 These regulations shall be known, referred to and cited as "The Subdivision Regulations" of Sarpy County, Nebraska.

SECTION 2 PURPOSE

- 2.1 The purpose of these regulations is to provide for the orderly development of the county by insuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities, and utilities, and to generally provide conditions favorable for the health, safety, and convenience of the County.

SECTION 3 DEFINITIONS

3.1 For the purpose of these regulations, certain words used herein are defined as follows:

ABANDONMENT shall mean the relinquishment of property, or a cessation of the use of property, by the owner or lessee without any intention of transferring rights of the property to another owner or of resuming the use of the property.

AGENT shall mean any person, group, corporation, partnership, or other entity representing the ownership of a tract of land.

ALLEY shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, un-platted land, city-county boundaries, or adjoining property lines.

BOARD shall mean the County Board of Commissioners of Sarpy County, Nebraska.

BUILDING INSPECTOR shall mean the Building Inspector of Sarpy County, Nebraska.

CLERK shall mean the County Clerk of Sarpy County, Nebraska.

COMPREHENSIVE PLAN shall mean the County Comprehensive Development Plan of Sarpy County, Nebraska, as adopted by the Planning Commission and the Board in accordance with the laws of the State of Nebraska.

COUNTY shall mean Sarpy County, Nebraska.

COUNTY ASSESSOR shall mean the Assessor of Sarpy County, Nebraska.

COUNTY ATTORNEY shall mean the County Attorney of Sarpy County, Nebraska.

COUNTY TREASURER shall mean the County Treasurer of Sarpy County, Nebraska.

CUL-DE-SAC shall mean a short public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

DEDICATION shall mean the intentional appropriation of land by the owner to some public use.

DEVELOPER See "Subdivide".

DIRECTOR, PLANNING DEPARTMENT shall mean the Director of the Sarpy County Planning Department.

EASEMENT shall mean a space on a lot or parcel of land reserved for or used for public utilities or public or private uses.

ENGINEER shall mean the engineer ordinarily retained by Sarpy County, Nebraska, for the recommendation, advice, and prosecution of engineering work.

HIGHWAY, MAJOR INTER-REGIONAL shall mean a "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.

IMPROVEMENTS shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water motors, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

LOT shall mean: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this regulation; or A parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Register of Deeds and abutting or having access to at least one (1) public street or right-of-way.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT, CORNER shall mean a lot located at the intersection or intersections of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five degrees, the lot shall be considered an "Interior Lot."

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks, and swimming pools, regardless of whether said building or structure is intended for human occupancy.

LOT, CURVE shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a center line radius of three hundred (300) feet or less.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line that is not a front lot line or a rear lot line.

LOT, NONCONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof, whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of these Regulations.

LOT, SUBLot shall mean subordinate and integral part of a lot. The sublot shall be identified on the subdivision plat for the purpose of constructing a single townhouse unit.

LOT, THROUGH shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the Register of Deeds at the time of the passing of a resolution establishing these subdivision regulations.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MONUMENT shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street center line, or other point.

OUTLOT shall mean a parcel of real property having access to at least on public street or private roadway, but not presently designated for a primary structure or occupancy, but permitting an accessory use as permitted by the zoning district, or reserved for open space and common facilities.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district, or any other group or combination acting as an entity, except that it shall not include Sarpy County, Nebraska.

PLANNER shall mean a professional planner ordinarily retained by Sarpy County, Nebraska for recommendations, advice, and the prosecution of planning work.

PLANNING COMMISSION shall mean the Planning Commission of Sarpy County, Nebraska.

PLANNING, DEPARTMENT OF shall mean the Department of Planning in Sarpy County, which provides administrative support to the Planning Commission and serves as the office of the Planning Commission.

PLAT shall mean a map which delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

PLAT, FINAL shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

PLAT, PRELIMINARY shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

REGISTER OF DEEDS shall mean the Register of Deeds of Sarpy County, Nebraska.

ROAD, MAJOR COLLECTOR shall mean a county highway with 80 feet right-of-way or more used to expedite the safe movement of local County vehicular traffic.

ROAD, LOCAL shall mean a road primarily for service to abutting rural property.

SIDEWALK OR WALKWAY shall mean that portion of a dedicated right-of-way or easement intended for pedestrian use only.

STORMWATER MANAGEMENT REGULATIONS shall mean the Sarpy County Storm Water Management Regulations and the Omaha Regional Storm Water Management Design Manual.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in these Regulations.

STREET, COLLECTOR shall mean a street or highway which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, MINOR shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

SUBDIVIDER shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION shall mean the subdividing of land into one or more parcels which are smaller than 20 acre lots. No owner of any real property, located in an unincorporated area, except in an area in which any city or village is exercising subdivision control, shall be permitted to subdivide, plat, or lay out said real property in building lots, streets, or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof of the Board. At such time as a city or village exercises such control over an unincorporated area by adopting or amending subdivision regulations, its regulations shall supersede those of the County.

SUPERINTENDENT OF ROADS shall mean the superintendent of roads of Sarpy County, Nebraska.

SURVEYOR shall mean the Surveyor of Sarpy County, Nebraska.

ZONING REGULATIONS shall mean the Zoning Regulations of Sarpy County, Nebraska.

SECTION 4 APPLICATION AND JURISDICTION

- 4.1 Every owner of any real property in the County, located outside the corporate limits and jurisdiction of any city or village, who may hereafter subdivide, plat, or lay out said real property in building lots of less than twenty (20) acres, streets or other portions for the purpose, whether immediate or future, of transfer of ownership or building development, shall submit a plat in accordance with the requirements of these regulations.
- 4.2 Every non-farm building hereinafter constructed or erected shall be located on a lot.
- 4.3 No plat of real property described in section 3.1 shall be recorded or have any force and effect unless the same be approved by the Board.
- 4.4 The Board shall have the power to compel the owner of any real property in such area, subdividing, platting, or laying out the same, to conform to the requirements of these regulations and to lay out and dedicate the avenues, streets, and alleys and hard-surfacing thereof in accordance herewith.

SECTION 5 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT

5.1 General.

5.1.1 Before any subdivider or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the County and is not wholly within the corporate limits or extra-territorial jurisdictional limits of a city or village having zoning regulations and subdivision regulations, the subdivider, or his agent, shall file an application for a Preliminary Plat of said subdivision with the Planning Department for public hearing before the Planning Commission and County Board. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Department prior to the completion of final surveys of streets and lots, and before the start of any grading or construction work upon the proposed streets and lots, and before any map of said subdivision is made in form suitable for recording. The Planning Commission shall determine whether the tentative plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area.

5.1.2 All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan. The subdivider shall be responsible for such conformance.

5.2 Five (5) full size paper copies of the Preliminary Plat and the required exhibits and supplementary material as specified in these regulations along with one electronic version in AutoCAD format for the County Information Systems Department (GIS Section) in the form set forth in Attachment "A" shall be submitted to the Planning Director at least forty-five (45) days prior to the meeting at which it is to be considered. The AutoCAD format for the County Information Systems Department (GIS Section) is not required for subdivisions with 20 lots or fewer or when granted an exception by the County Surveyor. The Planning Director shall distribute one (1) copy of the Preliminary Plat with a request for comments within seven (7) days to each of the following: Engineer, Superintendent of Roads, appropriate School Board and Fire Department, the Papio-Missouri Natural Resources District, GIS Section and whomever else deemed necessary by the Planning Department.

5.3 The Planning Commission will consider the Preliminary Plat at (1) a public hearing, for which notice is given in a newspaper of general circulation in the County; and will (2) review the Preliminary Plat and other material submitted for conformity thereof to these regulations; and will (3) review any recommendations of the Surveyor, Engineer, Superintendent of Roads, School, and other Agencies; and will (4) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him/her. The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval, if any, or if disapproved, shall express its disapproval and its reasons thereof, in its recommendation to the Board.

5.4 Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat.

- 5.5 The action of the Planning Commission shall be noted on or attached to two (2) copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider and the other will be retained by the Planning Department.
- 5.6 If the Planning Commission recommends disapproval or approval, then the Planning Director will order that a Notice of Hearing before the County Board of Commissioners be published once all revisions recommended by the Planning Commission have been made to the application. The applicant may appeal any revisions to the County Board by written request prior to publishing the item for public hearing at the County Board. The notice must be published at least ten (10) days prior to the Hearing. The Board may: a) Concur with the Planning Commission's Recommendation; b) Reverse the Planning Commission's recommendation; or c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission.
- 5.7 Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. The approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval unless all or a portion of the approved Preliminary Plat has been submitted for approval as a Final Plat during that period. Twelve (12) month extensions may be granted by the Board upon written request by the subdivider and upon the payment of an additional platting fee equivalent to the original preliminary platting fee.
- 5.8 When a rezoning request is applied for concurrently with the Preliminary Plat, the conditional approval of the plat also allows for conditional approval of the rezoning request. The rezoning does not become official until the final plat is filed and approved.

SECTION 6 PRELIMINARY PLAT AND SUPPLEMENTAL DATA

- 6.1 General Requirements. A Preliminary Plat shall include a legal description of the property. A Preliminary Plat shall at a minimum meet the design standards set forth in these regulations. Sheet sizes for plats shall be adequate to provide for a scale making it possible to clearly read all necessary information shown thereon.
- 6.2 Specific Requirements: Preliminary Plats shall include the following information:
 - 6.2.1 Name of subdivision.
 - 6.2.2 Name of subdivider.
 - 6.2.3 Name of engineer, landscape architect, or surveyor preparing the plat.
 - 6.2.4 Scale specified.
 - 6.2.5 North point and date.
 - 6.2.6 Proposed location and size of lots, alleys, easements, streets (with suggested names), and other proposed dedicated areas which shall conform to current Zoning Regulations, or a proposed zoning plan deemed acceptable by the Planning Department.
 - 6.2.7 All existing structures within the area to be platted.
 - 6.2.8 All existing utilities, in or on streets adjoining the area, to be platted.
 - 6.2.9 All lands and/or subdivisions shall be shown for a distance of two hundred (200) feet from all sides of land in question showing location, names, and width of street and highways, etc.
 - 6.2.10 Building front set-back line, as required by the Zoning Regulations for that district or proposed zone district.
 - 6.2.11 Location of section and half-section lines in relation to plat.
 - 6.2.12 A preliminary drainage plan of the area in which the preliminary plat is located.
 - 6.2.13 A preliminary draft for a subdivision agreement unless waived by the Attorney's Office, Planning Department and the Roads Department. Copies available from the County Attorney's Office or the Planning Department.
 - 6.2.14 Five (5) copies of a proposed Post-Construction Storm Water Management Plan, as provided in Section 206-19, with a proposed implementation schedule or sequence of phased construction.
 - 6.2.15 Any other data deemed necessary by the Planning Department such as:

- 6.2.15.1 Total acreage of the subdivision, number of lots and acreage designated to other uses.
- 6.2.15.2 Contours with intervals of five (5) feet. If the subdivision exceeds ten acres in are, or contains unusual topographical features, closer contour lines may be required by the Planning Department.
- 6.2.15.3 Delineation of public grounds other than streets or alleys.
- 6.2.15.4 Location and character of proposed utilities and facilities.
- 6.2.15.5 Location, widths, and other dimensions of proposed streets and alleys.
- 6.2.15.6 Layout, numbers and approximate dimensions of proposed lots, and blocks.
- 6.2.15.7 Drainage channels, wooded areas, rock outcrop and other significant natural features.
- 6.2.15.8 Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto. If the water mains and sewers are not on or adjacent to the tract, direction and distance to the nearest ones shall be shown including invert elevations of sewers.
- 6.2.15.9 Location, widths and names of all existing or platted streets or other public ways within and immediately adjacent to the tract, existing permanent buildings, railroad rights-of-way, section lines and other such important features.
- 6.2.15.10 Proposed public improvements including highways or other major improvements planned by public authorities for future construction on or near the tract.
- 6.2.15.11 Vicinity map. A map shall be presented accompanying or included on the Preliminary Plat showing the geographic relationship of the proposed subdivision to the surrounding area. Features to be noted on the vicinity map include major streets, railroads, and public areas.
- 6.2.15.12 A description of proposed curbs, gutters, sidewalks, street surfacing, and street sub-structure.
- 6.2.15.13 Profiles, when required by the Planning Department, showing existing ground surface and proposed street grades, including extensions for a 200 feet distance beyond the limits of the proposed subdivision and typical cross-sections of the proposed grading, roadway and sidewalk.

6.3 Street names shall be approved by the Board with the Final Plat.

- 6.4 The subdivider or his surveyor, landscape architect, or engineer is to be in attendance at the Planning Commission Meeting when the Preliminary Plat is discussed.
- 6.5 Two (2) copies of the Preliminary Plat upon approval of the Board will be signed by the Chairman of the Board and one (1) returned to the subdivider or his representative.

SECTION 7 PROCEDURE FOR APPROVAL OF FINAL PLAT

- 7.1 The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposes to record and develop at the same time.
- 7.2 The Final Plat shall be submitted to the Planning Department for approval at least forty-five (45) days prior to the meeting at which it is to be considered.
- 7.3 Upon approval of the Final Plat, a certification of approval by the Board shall be endorsed thereon by the County Clerk, and eight (8) copies of the Final Plat shall be filed with the Register of Deed for distribution as follows:
 - 7.3.1 One (1) original or Mylar reproducible and one (1) electronic copy in autoCAD format to the County Surveyors Office and the County GIS Section in the form set forth in Attachment "A".
 - 7.3.2 One (1) original or Mylar reproducible 18" x 24" minimum to 30" x 42" maximum, with 1½" inch border, to the Register of Deeds.
 - 7.3.3 One (1) Mylar reproducible, scale 1" = 100', and Mylar reproducible, scale 1" = 400', to the Director of Planning.
 - 7.3.4 One (1) to the Assessor.
 - 7.3.5 One (1) to the Metropolitan Utilities District.
 - 7.3.6 One (1) to the local Telephone Company
 - 7.3.7 One (1) to the Omaha Public Power District
 - 7.3.8 One (1) to the Local Fire District.
- 7.4 The final approval by the County Board shall be by Resolution after receiving the recommendation of the Planning Commission together with a letter stating that the Subdivide has complied with the requirements of these regulations. The concurring vote of the majority of the Board present shall be necessary to approve the Final Plat.
- 7.5 The final approval of a plat does not constitute approval or acceptance of roads or streets for maintenance.
- 7.6 The Final Plat (three signed mylars and five signed paper copies) shall be filed with the Register of Deeds within ninety (90) days of the date approved by the Board. Failure to do so shall require re-submittal of the Final Plat with repayment of application fees. The Board may grant up to two (2) ninety (90) day extensions upon the request of the applicant. Each extension must be requested separately.

SECTION 8 FINAL PLAT AND REQUIRED SUPPLEMENTARY DATA

- 8.1 After approval of the preliminary plat by the Planning Commission and the County Board, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered engineer and registered land surveyor for recording purposes and in addition, shall submit to the County:
- 8.1.1 A preliminary sanitary sewer plan.
 - 8.1.2 A preliminary surface storm drainage plan within the subdivision.
 - 8.1.3 A street profile plan with a statement of proposed street improvements.
 - 8.1.4 A preliminary water distribution plan.
 - 8.1.5 A Final draft for a subdivision agreement unless waived by the Attorney's Office, Planning Department and the Roads Department. Copies available from the Planning Department.
 - 8.1.6 A schedule of improvement costs, assessment schedules, and general obligation costs.
 - 8.1.7 All final plats shall comply with the Sarpy County Storm Water Management Regulations and the Omaha Regional Storm Water Management Design Manual.
- 8.2 Instructions for the Final Plat.
- 8.2.1 Five (5) full size paper copies of the of the Final Plat and any required exhibits or supplementary material as specified in these regulations along with one electronic version in AutoCAD format for the County Information Systems (GIS Section) in the form set forth in Attachment "A" shall be submitted to the Planning Director at least forty-five (45) days prior to the meeting at which it is to be considered.
 - 8.2.2 The Final Plat shall be submitted as recommended by the Planning Commission and shall include:
 - 8.2.2.1 Name of subdivision that is not a duplicate of any previously filed plat names.
 - 8.2.2.2 Points of Compass and scale of 1" = 100'.
 - 8.2.2.3 Boundary lines of area being subdivided (heavy dashed lines) with accurate distance, angles other than 90 degrees, boundaries and location of section and half-section lines in relation to Plat. The allowable error of closure on any portion of the final plat shall be one (1) foot in five thousand (5,000).
 - 8.2.3.4 Include lands adjoining the subdivision for a distance of two hundred (200) feet on all sides, all names of such additions and streets, together with property lines, lot and block numbers, and other designations (except

dimensions, to be shown by broken lines). Dimensions of bounding streets, together with lot dimension on side adjoining streets, shall be shown.

- 8.2.3.5 Identification system for all lots and blocks.
- 8.2.3.6 Proposed streets, cul-de-sacs (with names), alleys, easements, and other dedications and lots of other parcels of land must be accurately dimensional. All angles other than ninety (90) degrees, as required to definitely establish lines or parcels of land, must be given.
- 8.2.3.7 Location of markings (in feet and decimals of a foot) shall comply with Nebraska State Statutes.
- 8.2.3.8 The point of beginning and ending of any curve, its radius, and total deflection angle.
- 8.2.3.9 Certification by a registered land surveyor.
- 8.2.3.10 A notarized certification signed and acknowledged by all of the parties having any titled interest in, or lien upon the land to be subdivided, consenting to the Final Plat including the dedication of parts of the land shown on the Final Plat for streets, easements, rights-of-way, and other purposes.
- 8.2.3.11 A certification signed by the Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
- 8.2.2.12 A form for the approval of the Planning Commission.
- 8.2.2.13 A form for the approval of the Board to be signed by the Chairman and attested by the County Clerk.
- 8.2.2.14 The plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §§ 86-1601 to 86-1606 (Reissue 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §§ 86-1602(2), and the use of United States feet and decimals of a foot shall be required in Sarpy County pursuant to Neb. Rev. Stat. § 86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.
- 8.2.2.15 A form for the approval by the Surveyor.
- 8.2.2.16 A form for the Acknowledgment by a Notary.
- 8.2.2.17 One copy of any private restrictions or covenants affecting the subdivision or any part thereof.
- 8.2.2.18 A form for the Certificate of Register of Deeds.

8.2.2.19 A form for approval of the Planning Director.

8.2.2.20 The final subdivision agreement for the Board's approval.

8.2.2.21 Square footage of all lots.

8.2.3 The Final Plat shall then be submitted to the Board at its regular meeting for approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least ten (10) days prior to the hearing.

8.2.4 Upon approval of the Board, the Final Plat shall be filed and recorded within ninety (90) days by the applicant. The approval of the Final Plat does not constitute approval or acceptance of roads or streets for improvement or maintenance by the County.

SECTION 9 PLAT OF RECORD VACATION AND ADMINISTRATIVE REPLATS

9.1 **Plat Vacation:** The owner or owners shall present a proposal to the Planning Director containing a legal description of the subdivision and calling for a vacation thereof. The Planning Director will study the proposal and will send his/her recommendations to the Board. The Board may approve or deny the proposal, or request that the proposal be submitted to the Planning Commission for a recommendation. If the proposal is approved, it shall then be recorded in the office of the Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

9.1.1 **Conditions:** A subdivider may make application to the Planning Director and the Board to vacate any plat of record under the following conditions:

9.1.1.1 The Plat to be vacated is a legal plat of record.

9.1.1.2 Vacation of the subdivision will not interfere with the development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.

9.1.1.3 Vacation of the subdivision will not be contrary to the Comprehensive Plan.

9.2 **Administrative Replats:** All applications for Administrative Replats of Lots shall be made with the Planning Director for approval before any transfer of title of ownership. The Administrative Replats shall be drawn to a scale of 1" = 100', including lot dimensions, any existing structures and shall include a form for the certification by a registered Land Surveyor, a form for the certification of the Treasurer, a form for the approval of the Surveyor and the Planning Director, and a form for a notarized certification signed and acknowledged by all parties having any titled interest. The Administrative Replats will be drawn on four (4) 18" X 24" minimum to 30" x 42" maximum mylars. Administrative Replats must be recorded within ninety (90) days of approval.

9.2.1 **Conditions:** To qualify for an Administrative Replat the replat must meet the following criteria:

9.2.1.1 No change of zone is required.

9.2.1.2 No dedication of streets is required.

9.2.1.3 It does not create more than one additional building lot.

9.2.1.4 The subject property has been previously platted and filed with the Sarpy County Register of Deeds Office.

9.2.1.4 New lot sizes meet all existing zoning requirements as per lot size.

9.2.1.5 Existing structures shall meet all existing set back requirements for the present zoning classification.

SECTION 10 MINIMUM DESIGN STANDARDS

No subdivision plat shall be approved unless it conforms to the following minimum requirements.

10.1 General:

Land which the Planning Commission and the County Board have found to be unsuitable for subdividing due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission and County Board.

10.2 Streets and Alleys:

10.2.1 The arrangements, classification, extent, width, grade and location of all streets and roads shall conform to the Comprehensive Plan and shall be designated in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

10.2.2 Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

10.2.2.1 Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

10.2.2.2 Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

10.2.3 Minor streets shall be so laid out that their use by through traffic will be discouraged.

10.2.4 Where a subdivision abuts or contains an existing or proposed major street or highway, the Board may require reverse frontage lots with rear service alleys abutting the major street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

10.2.5 Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be approximately used for park purposes in residential districts, or for commercial or industrial purposes in nonresidential districts. Such distances shall be determined with due regard for the requirements of approach grades or future grade separations.

10.2.6 Reserve strips in private ownership controlling access to streets shall be prohibited.

10.2.7 Intersections with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

- 10.2.8 A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- 10.2.9 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for collector streets, and of such greater or lesser radius as the Planning Commission shall determine for special cases.
- 10.2.10 Streets and roads shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- 10.2.11 Curb radius on all block corners shall be a minimum of twenty-five (25) feet and a minimum ten (10) foot radius shall be used at intersections of driveways and alleys.
- 10.2.12 Half streets shall be approved only by Board.
- 10.2.13 The right-of-way widths, pavement widths (back to back of curb), street grades, and the sight-distances for streets and alleys in any subdivision shall not be less than the minimum dimensions nor more than the maximum grades as set forth in the current version, including any revisions or amendments thereto, of the "Nebraska Administrative Code, Title 428, Rules and Regulations of the Board of Public Roads Classifications and Standards".
- 10.2.14 The horizontal alignment on all streets except in unusual cases shall be as follows:

Other Arterial Streets	700 ft. minimum
Collector Streets	300 ft. minimum
Local Streets	100 ft. minimum
Cul-de-sacs	100 ft. minimum

- 10.2.15 No road or street grade shall be less than one-half (½) of one (1) percent.
- 10.2.16 Flatter grades are preferred from fifty (50) to one hundred (100) feet from an intersection. Grades not exceeding four (4) percent for a distance of at least fifty (50) feet from an intersection are preferred. The subdivider shall provide justification in writing to the County Engineer if this requirement cannot be met.
- 10.2.17 Dead-end roads and streets as permanent features shall be prohibited.
- 10.2.18 General Considerations:
 - 10.2.18.1 Intersection of more than two (2) roads or streets at a point shall not be permitted.
 - 10.2.18.2 Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.

10.2.19 Other rights-of-way easements:

10.2.19.1 Easements for utility rights-of-way shall be not less than ten (10) feet in width and wherever possible shall be provided along the rear and side property lines.

10.2.19.2 Pedestrian walks shall be at grades no greater than the adjacent street grades.

10.2.19.3 Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, there shall be provided a minimum storm water easement or drainage right-of-way of one hundred (100) feet, conforming substantially with the lines of such water course, and such further width for construction and water flow or both that will be adequate for such purpose. Parallel streets, parkways, walkways, culverts, or bridges may be required in connection with such drainage easement.

10.3 Blocks:

10.3.1 Block length shall not exceed 800 feet. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. In cases of irregular-shaped blocks, the requirements shown herein may be waived by the Planning Commission. This standard may be waived for rural/acreage subdivisions.

10.3.2 Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than five hundred (500) feet where such crosswalks are deemed by the Board to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation or other community facilities.

10.3.3 The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred forty (240) feet in width. In cases of irregular-shaped blocks, the minimum width may be waived by the Board.

10.3.4 Blocks intended for business and industrial use should be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Board may require service drives or frontage access roads along major streets for business or industry.

10.3.5 Where frontage is on a major or collector street, the long dimensions of the block should front thereon.

10.4 Lots:

10.4.1 Lot dimensions and area for lots shall conform to the requirements of the Zoning Regulations.

- 10.4.2 The platting of lots for commercial and industrial purposes should include adequate space for off-street parking and service areas.
- 10.4.3 Satisfactory access from a public street shall be provided for all lots.
- 10.4.4 Double frontage and reverse frontage lots shall be avoided where possible.
- 10.4.5 Corner lots shall be of extra width sufficient to maintain building lines on both streets.
- 10.4.6 Side lot lines shall be approximately at right angles or radial to street lines.
- 10.4.7 Excessive depth in relation to width of lots over a ratio of three-to-one shall be avoided.
- 10.4.8 Every lot shall abut and have access to a public street.

SECTION 11 PUBLIC SITES AND OPEN SPACES

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

SECTION 12 STANDARDS FOR CONSTRUCTION PLANS AND SPECIFICATIONS

- 12.1 The subdivider shall construct and install the improvements in accordance with the current edition and any revisions or amendments thereto of the "City of Omaha Standard Specifications for Public Works Construction" and/or the current edition and any revisions or amendments thereto of the "Nebraska Department of Roads Standard Specifications for Highway Construction" .
- 12.2 Construction plans for such improvements shall be signed/sealed and also submitted in electronic form in AutoCAD. The subdivider shall furnish "as built" construction plans within six (6) months after completion of construction in the above-described format.
- 12.3 No contracts for the construction of any improvements within the subdivision shall be awarded without the approval of the Board.
- 12.4 Staking: The following-described monuments shall be installed before the Engineer shall approve a plat, or in lieu thereof, a performance bond in an amount equal to the cost of doing such work, shall be furnished to the County before the Engineer shall certify to the Board that required improvements have been satisfactorily arranged for:
- 12.4.1 The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than five-eighths inch (5/8") in diameter extending at least twenty-four (24") inches below grade.
- 12.4.2 Lot corners, all points of curvature, points of tangency, and other points shall be monumented by iron rods or pipes not less than five-eighths inch (5/8") inch in diameter extending at least 24 inches below grade.
- 12.5 Street Grading: All full-width streets located entirely within the boundary of the subdivision, except major streets as noted, shall be graded to the full width to within six (6) inches of the finished grade. Such grading shall be completed, or in lieu thereof, a performance bond in an amount equal to the cost of doing such work, shall be furnished to County before the Engineer shall certify to the Board that the required improvements have been satisfactorily arranged for.
- 12.6 Street Surfacing: The streets shall be paved, including curbs and gutters in accordance with the Standards for Street Improvement and approved by the Board, except that in the case of a plat wherein all of the lots in the plat have a minimum frontage width of 200 feet or more, the paving requirements may be waived at the developer's request and the streets in such a plat may have a crushed rock or gravel surface meeting the specifications of the County and not less than 30 feet wide in lieu of pavement .
- 12.7 Sanitary Sewer: Where the County-approved sanitary sewer is accessible by gravity flow within one (1) mile of the Final Plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where any other County -approved sanitary sewer is more than one (1) mile distance, or where an approved sanitary sewer is not accessible by gravity flow, the subdivider shall make provisions for the disposal of sewage as required by law and as approved by the Board. In the case where temporary disposal facilities shall be approved, these temporary facilities shall be approved under the following conditions:

- 12.7.1 The temporary facility shall only be approved and sized for that subdivision.
- 12.7.2 The subdivider shall enter into a formal agreement with the County stating that if and when a County-approved sanitary sewer line is constructed within one (1) mile of the subdivision, the subdivider shall connect to the sewer line and disconnect from the temporary facility, which shall be discontinued and eliminated by the subdivider as approved by the Board at the cost of subdivider.
- 12.8 Storm Sewers: The subdivider shall be required to provide for adequate drains, inlets, manholes, and other facilities to provide for the adequate removal of all surface drainage. Where the subdivision is located within a drainage area, and the subdivider is required to provide a Storm Water Management Plan, this plan will be subject to approval by the Engineer or a Registered Engineer, appointed by the Board, as to adequacy.
- 12.9 The Storm Water Management Plan shall contain the following information for the entire tract of land to be developed:
- 12.9.1 A vicinity map showing the proposed development in relation to roadways, jurisdictional boundaries, streams, and adjacent developed areas or land use.
- 12.9.2 A site plan showing predominant soil types, proposed roads, sewers, and other utilities existing and proposed water courses, and the features of the proposed development.
- 12.9.3 A plan showing the details of the proposed drainage system, including initial and major drainage provisions. The plan should show type and size of various elements of the system necessary to evaluate its performance, such as pipe size and slope, channel configuration and slope, detention cell volumes, etc.
- 12.9.4 A topographic map showing existing and proposed contours, development features, and the contour elevations of the one percent chance flood.
- 12.9.5 A topographic map of adjacent areas upstream and downstream of the proposed development showing contour elevations of the one percent chance flood, and any features designed to mitigate increased storm water runoff from the proposed development. Mapping shall point upstream and downstream where it can be clearly shown to the satisfaction of the Board that no additional flood problems will result from the proposed development.
- 12.9.6 A schedule of anticipated starting and completion dates of each stage or sequence of construction, and the estimated date of completion of all utility construction in the development.
- 12.9.7 A detailed description of the maintenance program for the drainage system including sediment removal from detention ponds, channel bed and bank stabilization measures, and bridge and culvert maintenance.

12.10 Water Mains: Where a subdivision is installing a potable water distribution system which is part of a community water system as defined by the Nebraska Department of Health and Human Services, such system shall include, as applicable, distribution mains, valves and hydrants that are under the ownership and or legal control of the public water system owner.

12.11 Erosion Control: The subdivision shall be required to provide an Erosion and Sediment Control Plan. This plan will be subject to approval by the Engineer or a Registered Engineer, who is appointed by the Board, as to adequacy. The plan shall contain the following information for the entire tract of land to be disturbed:

12.11.1 A vicinity map indicating the proposed development in relation to roadways, jurisdictional boundaries, and streams.

12.11.2 A site plan showing soil types, existing vegetation, existing and proposed water courses, critical erosion areas, and the features of the proposed development.

12.11.3 A plan for temporary and permanent vegetative and structural practices, which specify conservation measures to be used during all phases of clearing, grading, filling, construction, and permanent development.

12.11.4 The subdivider shall be required to seed the area covered by the subdivision to control erosion of areas disturbed by grading operations; and to construct 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, all as approved by the Board.

12.11.5 A schedule of anticipated starting and completion dates for each sequence and stage of land-disturbing activities and for the installation of conservation measures. It shall also include the expected date when final stabilization will be completed.

12.11.6 A detailed description of the maintenance program for the erosion and sediment control facilities, including inspection programs, vegetative establishment on exposed soils, method and frequency of removal and disposal of waste materials from control facilities, and disposition of temporary structural measures.

12.11.7 Implementation of the approved sediment control plan shall be required prior to any land-disturbing activity.

12.11.8 The use of construction and demolition waste for erosion control along a water course is permitted if incorporated into an Erosion Control Plan.

12.12 Sidewalks: A concrete sidewalk shall be provided on both sides of a street within the street right-of-way with a minimum width as follows:

Zoning Districts	Sidewalk Width
RS, RD, RG	5 feet, and 4 feet minimum inside from the curb
Other Districts	As directed by Board

- 12.13 Other Improvements: The installation of other improvements may be required when deemed necessary in the best interest of the County. All recreation improvements shall be approved by the Board.
- 12.14 The subdivider shall install the required improvements in compliance with the staking of monuments, street grading and paving; and other improvements; sanitary sewer, water system, storm drainage, and erosion control requirements, all within one year after the plat has been approved by the Board, or the subdivider may post a performance bond or certified check in the amount of 100 percent of the cost of the required improvements, with approval thereof by the Engineer. If the improvements are not completed and approved within the specified time, the bond or certified check shall be forfeited and used by the County to complete the improvements. The Board may extend this period upon the showing by the subdivider of circumstances beyond his/her control or upon evidence of circumstances that create a hardship to the subdivider.
- 12.15 Subdivision Agreement: No plat shall be approved by the Board until a subdivision agreement shall have been entered into between the subdivider and the County. The County Attorney shall prepare such agreement to be approved by the Board. The agreement shall provide for the needs of the subdivision, including, but not limited to, pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, and open space requirements. Security may be required to assure performance under the agreement. The subdivision agreement's engineering details shall be furnished by the subdivider's engineer and shall also be submitted.
- 12.16 Paving:
- 12.16.1 Concrete shall be installed on all residential streets using a minimum thickness of seven (7) inches and shall be a minimum width of twenty-five (25) feet back to back of curbs. Curbs shall be six (6) inch integral rolled type. All material shall conform to the requirements of the current edition and any revisions or amendments thereto of the "City of Omaha Standard Specifications for Public Works Construction" and/or the current edition and any revisions or amendments thereto of the "Nebraska Department of Roads Standard Specifications for Highway Construction."
- 12.16.2 Asphalt may be installed in lieu of portland cement concrete using a minimum thickness of ten (10) inches, or nine (9) inches with a six (6) inch sub-base, and shall also be twenty-five (25) feet back to back of curbs, with two (2) foot wide, by seven (7) inch deep, and six (6) inch high, portland concrete integral rolled curb and gutter.
- 12.16.2.1 Asphaltic concrete and/or the six (6) inch base course shall conform to the requirements of the current edition and any revisions or amendments thereto of the "City of Omaha Standard Specifications for Public Works Construction" and/or the current edition and any revisions or amendments thereto of the "Nebraska Department of Roads Standard Specifications for Highway Construction."
- 12.16.3 Intersection radius requirements: shall be installed to a minimum radius of twenty-five (25) feet.

- 12.16.4 Paving for rural type subdivisions (200' wide acreage lots) shall meet the following requirements:
 - 12.16.4.1 Concrete (Portland Cement Concrete) shall be seven (7) inches minimum thickness by twenty-four (24) feet in width and may be curbless.
 - 12.16.4.2 Asphalt (Asphalt Cement Concrete) shall be nine (9) inches minimum thickness by twenty-four (24) feet in width and may be curbless.
 - 12.16.4.3 The above concrete and asphalt paving specifications shall meet the requirements as outlined above for residential subdivisions.
- 12.17 Subgrade Requirements: Subgrade compaction shall meet the requirements of the current edition and any revisions or amendments thereto of the "City of Omaha Standard Specifications for Public Works Construction" and/or the current edition and any revisions or amendments thereto of the "Nebraska Department of Roads Standard Specifications for Highway Construction," or as specifically recommended by a geotechnical report specific to the project submitted to the County for review.

SECTION 13 PLANNED DEVELOPMENT

- 13.1 The intent and purpose of the Planned Development is to permit the subdivider or developer a greater flexibility and creativity to develop land for a better arrangement, spacing, and orientation of buildings to provide a more economical, practical, and efficient arrangement of related land uses, such as parking areas, drives, walks, and recreation areas, and above all, to provide a more useful and greater area for open space.
- 13.2 The minimum area of a tract of land to be subdivided as a planned unit development shall be five (5) acres.
- 13.3 When a planned unit development is proposed, a detailed site plan showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning Department for review, together with detailed information as to proposed use and occupancy.
- 13.4 After public hearings thereon, the same as required for a Preliminary Plat, if the Planning Commission and the Board find that the interest of the County would be enhanced by the better design, greater environmental amenities, and more efficiencies in public services, the Planning Commission and the Board may grant waivers of or modifications to one or more of the Subdivision Regulations (excepting the requirements for the installation of improvements), or may consider additional conditions to be met by the subdivider. Before granting these waivers or changes, the Board shall consider the reasonable application of the purpose and intent of the Comprehensive Plan consistent with the purposes of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the County, including among others, such purposes as:
- (1) developing both urban and non-urban areas;
 - (2) lessening congestion in the streets or roads;
 - (3) reducing the waste of excessive amounts of road;
 - (4) securing safety from fire and other dangers;
 - (5) lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
 - (6) providing adequate light and air;
 - (7) preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
 - (8) promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;

- (9) protecting the tax base;
- (10) protecting property against blight and depreciation;
- (11) securing economy in governmental expenditures;
- (12) fostering the state's agriculture, recreation, and other industries;
- (13) encouraging the most appropriate use of land in the County; and,
- (14) preserving, protecting and enhancing historic buildings, places, and districts.

- 13.5 In approving such a development plan, the Planning Commission and the Board shall be assured that the development provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenant, and financial and legal guarantees are provided that will assure that the plan will be followed and achieved.
- 13.6 In approving such a development, the Planning Commission and the Board may waive or adjust any of the Subdivision Regulations, provided the Planned Development will provide more environmental amenities, efficiency of public services, or contiguous open spaces, than otherwise permissible under the requirements of the Subdivision Regulations.
- 13.7 The procedure for approval of a Planned Development shall be the same as required for a Preliminary Plat and a Final Plat. The requirements for the final Development Plan approval and adoption shall be the same as those required for a subdivision plat. The Final Site Development Plan shall be drawn in ink on linen or Mylar reproducible material, and shall require the same forms for approval, certification, dedication, and acknowledgment as required for a Final Plat.

SECTION 14 CLUSTER SUBDIVISION DEVELOPMENT

- 14.1 When a cluster subdivision development of a tract of land consisting of more than ten (10) acres is proposed, this section shall apply by itself and may not be applied to any other subdivision developments unless excepted by this section.
- 14.2 In a cluster subdivision, buildings may be permitted to be clustered or grouped to permit the construction of dwellings and buildings to be closer together, thus permitting more open space, common areas, or recreational areas, and permitting private walks and public streets required in the other sections of the Subdivision Regulations.
- 14.2.1 Exceptions to the requirements and regulations relating to lot size and shape may be permitted when:
- 14.2.1.1 An additional open space, common ground, or recreational area is to be provided for the use and the benefit of the family dwelling units in the development; and
- 14.2.1.2 The total land area of the development divided by the total number of family dwelling units provides an average land area per family dwelling unit equal to or more than that required by the Regulations and regulations of the zoning district or districts in which the development is to be located. Total land area for calculating the density of the development shall include the land area of open space, common ground, or recreational areas, but shall not include any land area being set aside for street rights-of-way, surfaced parking areas or other public land, such as schools, public parks, public golf courses, etc.
- 14.2.1.3 All cluster lots and dwelling units must abut and have access to all open space, common ground, or recreational areas.
- 14.2.2 Exceptions to the requirements that cluster lots abut and have access to a public street may be permitted when:
- 14.2.2.1 Adequate and permanent access by easement from a public street to each cluster lot is provided for pedestrian and vehicular traffic; and
- 14.2.2.2 Adequate and permanent off-street parking areas are provided.
- 14.2.3 The subdivider shall submit with his/her Final Plat a "Declaration of Covenants, Conditions and Restrictions" regarding the permanent maintenance of the open space, common ground, or recreational areas, and the Declaration of Covenants, conditions and restrictions shall be filed and recorded with the Register of Deeds and shall be a portion of each Abstract of Title on the lots of said cluster subdivision. No exceptions to the requirements shall be permitted unless the Board determines that the subdivider has adequately provided for such upkeep and maintenance of open space, common ground, or recreational areas.

SECTION 15 HARDSHIP

15.1 Upon application by the subdivider therefore and where it can be shown in the case of a particular proposed subdivision, that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objective of these regulations, then the Board upon recommendation from the Planning Commission, may vary, modify or waive requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or of the Comprehensive Plan.

15.2 In no case shall any variance, modification, or waiver be granted without due consideration to the intent and purposes of these regulations, the Zoning Regulations, and the Comprehensive Plan, including among others, such specific purposes as:

- (1) developing both urban and non-urban areas;
- (2) lessening congestion in the streets or roads;
- (3) reducing the waste of excessive amounts of roads;
- (4) securing safety from fire and other dangers;
- (5) lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (6) providing adequate light and air;
- (7) preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- (8) promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- (9) protecting the tax base;
- (10) protecting property against blight and depreciation;
- (11) securing economy in governmental expenditures;
- (12) fostering the state's agriculture, recreation, and other industries;
- (13) encouraging the most appropriate use of land in the County; and,
- (14) preserving, protecting and enhancing historic buildings, places, and districts.

SECTION 16 FEES

16.1 In order to cover the costs of advertising, holding public hearings, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a Preliminary Plat and/or Final Plat. Such fees shall be paid in accordance with the “Master Fee Schedule for the Planning and Building Department” as adopted by the County Board.

16.2 All fees collected for the approval of subdivisions shall be credited to the General Fund of the County.

16.3 Watershed Fees

Pursuant to the Interlocal Cooperation Act Agreement for the Continuance of the Papillion Creek Watershed Partnership, Sarpy County shall collect watershed fees at the time of application for a building permit.

The Watershed Fee shall only apply to new development or significant redevelopment. Further, Sarpy County shall transfer the collected Watershed Fees according to the Interlocal Cooperation Act Agreement for the Continuance of the Papillion Creek Watershed Partnership as amended.

Multiple fee classifications are established which fairly and equitably distribute the cost of these projects among all undeveloped areas within the Papillion Creek Watershed. Such fees shall be paid in accordance with the “Master Fee Schedule for the Planning and Building Department” as adopted by the County Board.

Each subdivision or other agreements with developers for new developments or significant redevelopments, shall include the right to collect Watershed Fees at the time of building permit issuance pursuant to, and consistent with, the provisions of this regulation. The Watershed Fee specified in a subdivision agreement shall not be changed after such subdivision agreement has been approved by the Sarpy County Board of Commissioners, notwithstanding that the Watershed Fee framework or rates possibly may be changed before all building construction has been completed in such subdivision.

SECTION 17 GUIDE LINE PROCEDURES FOR PUBLIC IMPROVEMENTS

17.1 General:

The procedure by which public improvements are installed in a subdivision is a matter for mutual concern to the subdivider and the County. These improvements become permanent features and could be a great financial burden to the County or subdivider and a continual excessive maintenance cost to the residents; therefore, it is the intent of this section to provide for adequately-sized, properly installed improvements through the prescribed rules and standards for recreation improvements, utilities, and streets.

- 17.2 No contract for any public improvements provided for in this section and within the jurisdiction of the County shall be let unless first the Engineer shall have made a detailed study of the costs for the improvements and recommended to the Board the approval of the installation of such improvements.
- 17.3 Any subdivider proposing to acquire, purchase, install, construct, repair, or to let a contract for the improvements shall be first required to enter into an agreement with the County for the purposes of having a mutual understanding of the cost for public improvements that will be assessed to the lots within the subdivision; an understanding of the improvements to be made by the subdivider; and, an understanding of the schedule, the applicable standards, and the supervision and inspection of the construction work involved.
- 17.4 Any subdivider or developer of a subdivision or planned development proposing to acquire, purchase, construct, repair, or let a contract for public improvements shall first be required to enter an agreement with the County to pay an additional fee not to exceed one percent of the construction cost to cover the cost for the review and approval of construction plans and contracts, documents, and inspection of construction.
- 17.5 No contract shall be let, awarded, or otherwise consummated by the subdivider after receiving bids, duly advertised, unless first receiving the approval of the Board concerning the basis of assessments for the costs to be incurred as a general obligation by the Sanitary and Improvement District, Development Corporation, or other persons to be involved in the contract, as well as the basis of special assessments for improvement costs.
- 17.6 The subdivider shall be required to furnish maintenance bonds on forms required by the County in the full amount of the contract cost for the public improvements as security for the guaranteed maintenance; and the subdivider shall furnish the County with a performance bond for the full amount of the contract cost as security for the faithful performance of the contract.
- 17.7 No subdivision shall be deemed completed nor the bond(s) released as prescribed in this section until the registered engineer and/or land surveyor has certified that all improvements have been installed and located as designed, or "As Built Drawings" have been filed with the County.

SECTION 18 VALIDITY

No plat or subdivision shall be recorded or filed with the Register of Deeds, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations and has been approved by the Board as prescribed herein.

SECTION 19 BUILDING PERMITS

Building permits may be subjected to review by the Board and at its request may be referred to the Planning Commission for a hearing and review.

SECTION 20 AMENDMENTS

The Board may amend these regulations from time to time provided, however, that such amendments shall not become effective until a recommendation from the Planning Commission is received or after 60 days have passed since the proposed amendment has been referred to the Planning Commission, and other conditions are satisfied as may be required by law.

SECTION 21 SEVERABILITY

If any article, section, sub-section, sentence, clause or phrase of these regulations be declared unconstitutional or void, such division shall not affect the validity of these regulations as a whole or in part thereof, other than the part so declared invalid.

SECTION 22 PENALTY

A person, firm, co-partnership, association, or corporation violating any of the provisions of these regulations shall be guilty of a misdemeanor and shall upon conviction thereof be punished as provided by law. The sale or lease of each and every lot sold in violation of this chapter shall be considered a separate violation. Each day of a continuing violation of these regulations shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 23 CONFLICTING REGULATIONS REPEALED

All regulations or part of regulations in conflict herewith are hereby repealed, except any regulations that impose more restrictive regulations and conditions than are imposed herein.