
**SUBDIVISION ORDINANCE
NUMBER 98-6**

**CITY OF BEATRICE,
NEBRASKA**

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ARTICLE ONE – GENERAL PROVISIONS

101 Title

This Ordinance shall be known as the Subdivision Ordinance of the City of Beatrice.

102 Authority and Purpose

A. Authority

This Ordinance is adopted pursuant to the authority granted to the City of Beatrice under Chapter 19, Article 9, and Chapter 16, Article 9 of the Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

B. Purposes

The purposes of this Subdivision Ordinance are to:

1. Serve the public health, safety, and general welfare of the City and the residents of the City of Beatrice and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Beatrice or the residents of the jurisdiction of the City for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Beatrice by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Beatrice with the ability to grow incrementally through the eventual annexation of new developments.

103 Relationship to the Comprehensive Development Plan

- A. The City of Beatrice intends that this Subdivision Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.

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- B. The Subdivision Ordinance shall supplement and facilitate the provisions of the Comprehensive Development Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Beatrice's Capital or General Fund Budget.

104 Jurisdiction and Applicability

- A. The provisions of this Ordinance shall be applicable to all land located within the City of Beatrice and within two (2) miles thereof.
- B. The owner or owners of any land located within the jurisdiction of this Subdivision Ordinance who proposes to divide said land into two (2) or more lots, blocks, tracts or parcels, when the smallest parcel created is ten (10) acres or less in area, or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a Plat to be made in accordance with this Subdivision Ordinance, unless exempted under subsection (c) of this section.
- C. This Subdivision Ordinance shall not apply in the following instances:
 - 1. The division of land for agricultural purposes into parcels or tracts of more than ten (10) acres and not involving any new streets or easements of access.
 - 2. Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, State or Federal regulations, where no new street or easement of access is involved.
 - 3. Any transfer of title by operation of eminent domain or court ordered partition or decree.

105 Amendment

When necessary, this Ordinance may be amended through recommendation by the Planning and Zoning Commission to the City Council. The City Council shall then take action on amendments.

106 Fees

The City Council of the City of Beatrice may establish by resolution reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

107 Enforcement

The Building Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning and Zoning Commission, City Council, or other appropriate agency.

108 Penalties

Any person whether as owner, proprietor or as the agent, attorney or representative of any owner or proprietor of land, who shall plat or subdivide any tract of land within the corporate limits of

the City of Beatrice or within two (2) miles thereof, or who shall sell, transfer, deed or convey, contract or agree to sell, transfer or offer for sale, or construct any building or improvement thereon, any lot or piece of ground in any addition or subdivision within the corporate limits, or within two (2) miles thereof, without having first obtained the acceptance and approval of the final plat or map thereof by the Planning Commission and by the Council, or by the appropriate officials in the case of an administrative subdivision, and any person who shall violate, or who shall fail or neglect, or refuse to comply with any of the provisions of this ordinance, as now existing or as hereafter amended, shall, upon conviction, be fined a sum not to exceed One Hundred Dollars (\$100.00) for any one offense. The offering for sale, contracting to sell, or selling of each lot or piece of ground shall be deemed a separate and distinct offense; and each day such violation continues after notice of violation is given to the offender may be considered a separate offense.

109 Interpretation, Conflict, and Severability

- A.** The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of this Subdivision Ordinance conflicts with any other provision of this Subdivision Ordinance, any other Ordinance of the City of Beatrice, or any applicable State or Federal law, the more restrictive provision shall apply.
- B.** These provisions shall not relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- C.** If any chapter, section, subsection, clause, or phrase of this Subdivision Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any section of the City of Beatrice's Zoning Ordinance.

ARTICLE TWO – DEFINITIONS

201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

202 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

203 A

1. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
2. Alley: A public right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
3. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
4. Approving Authority: The Planning Commission and City Council of the City of Beatrice.
5. ASCE: The American Society of Civil Engineers.

204 B

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.
3. Building Official: The Chief Building Inspector of the City of Beatrice or his/her designee.

205 C

1. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.

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2. Channel: The bed or banks of a natural stream or drainage way which convey the constant or intermittent flow of water, including storm run-off.
 3. City: The City of Beatrice, Nebraska.
 4. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
 5. Comprehensive Plan: The Comprehensive Development Plan of the City of Beatrice.
 6. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision, providing adequate information for the purpose of discussion or classification.
 7. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
 8. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the street channel and to channel or control drainage.

206 D

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design standards: Standards that set forth specific improvement requirements.
3. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
7. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
8. Drainage plan: The system through which water flows from the land.

207 E

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.

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2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

208 F

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Gage County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of this Ordinance.
2. Final Plat: A plan or map prepared in accordance with the provisions of this Subdivision Ordinance and those of any applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of Gage County, Nebraska.

209 G

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

210 H

211 I

212 J

213 K

214 L

1. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Gage County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/ or development.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension unless otherwise specified by the Building Official.
4. Lot Depth: The horizontal distance between the front and rear lines. For unusual lot shapes, the lot depth will be determined by the Building Official.
5. Lot Frontage: The portion of a lot extending along a street line.
6. Lot Line: The boundary of a lot.
7. Lot, Out: A lot which is not designated for building or occupancy.

215 M

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major subdivision: Any subdivision not defined and/or approved as an administrative subdivision.
3. Moving lane: Any traffic lane within a street channel where traffic movement is the primary or sole function.

216 N

217 O

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.
2. On-site retention: The retention of storm water volume that falls on the site for a given design frequency storm, the site being exclusive of public streets, alleys or other land dedicated for public use.
2. Open space: Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

218 P

1. Parking lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.
3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
4. Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Gage County Register of Deeds.

219 Q

220 R

1. Register of Deeds: The Register of Deeds of Gage County, Nebraska.
2. Right-of-Way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guide way transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

221 S

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 - a. Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 - b. Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 - c. Lateral or local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic system: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a drainage way or stream.
5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
6. Street Channel: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the street channel is measured from back of curb to back of curb. On streets without curbs, the street channel is measured between the outside edges of the established road surface.
7. Street hierarchy: The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:
 - a. Local
 - b. Collector
 - c. Other Arterials
 - d. Major Arterials
8. Subdivision: The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to ten acres or less.

222 T

223 U

224 V

225 W

226 X

227 Y

228 Z

1. Zoning Ordinance: The Zoning Ordinance of the City of Beatrice, as amended.

ARTICLE THREE – PROCEDURES AND ADMINISTRATION

301 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning and Zoning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of two types of subdivisions: Administrative Subdivisions and Major Subdivisions.

302 Administrative Subdivisions

A. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of a previously platted parcel of land and creates a maximum of six (6) lots. If six lots have been created by an administrative subdivision, any further subdivision shall be considered a Major Subdivision and shall be subject to the procedures for approval of such subdivisions.
2. The subdivision is served by existing utilities and easements and does not require the extension of streets, utilities, or public improvements.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the Zoning Ordinance and this Subdivision Ordinance concerning minimum areas and dimensions of lots and blocks; provided that the administrative subdivision permit may be granted, at the discretion of the officials described in Section 302(b)(4), where the permit is requested by the purpose of complying with setback requirements for previously platted corner lots, and where the parcels to be created meet the following conditions:
 - a. The parcels are located in an R-2, R-3 or R-4 District;
 - b. The parcels have a depth of at least 88 feet and a width of at least 70 feet; and
 - c. The minimum lot area requirements set forth in the Zoning Ordinance are met.

B. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Building Official and the supporting documents required for Administrative Subdivisions in Table 3-1.

These documents shall include a plat of all lots and parcels that are affected by the action prepared by a Licensed Surveyor showing the previous and proposed new boundaries; provided, that a plat prepared by a Licensed Surveyor shall not be required wherein a portion of one platted lot is added to a portion or all of an adjacent lot or where one platted lot is divided into two (2) parts.

2. The Building Official shall collect a fee, the amount of which shall be determined by the City Council by resolution.
3. Following submission, the Building Official shall review each application according to the following criteria:
 - a. Compliance with the conditions contained in Section 302(a).
 - b. Consistency with the Comprehensive Development Plan of the City of Beatrice.
 - c. Potential adverse environmental effects or effects on neighboring properties.
4. Following such review, the Building Official shall refer the application for approval in the following order: City Engineer, Manager of the Board of Public Works, City Administrator, Chairperson of the Planning and Zoning Commission, and Mayor. If any party rejects the administrative subdivision, approval of such subdivision is denied. Approval shall be denoted by a signed certificate of approval which must be filed along with the plat with the Register of Deeds of Gage County.
5. In the case of a denial, the subdivision may proceed through the appropriate review and action process for a Major Subdivision.
6. Following approval of an Administrative Subdivision, the subdivider must file the plat and certificate of approval with the Register of Deeds of Gage County. If the certificate of approval and the approved plat are not filed with the Register of Deeds of Gage County within 90 days of approval, such approval shall be null and void.
7. The Building Official shall keep a complete and accurate record of all administrative subdivision approvals.

303 Major Subdivisions

A. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative Subdivision procedures.

B. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

C. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall file a written request for a pre-application conference with the Building Official. A pre-application conference with the applicant shall be scheduled within 20 days after the written request is filed if the Building Official deems such conference to be advisable.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
 - a. A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - b. A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. Within twenty working days, the Building Official shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan, Zoning Ordinance, and this Subdivision Ordinance.
4. The pre-application conference does not require a formal application or payment of a fee.

D. Preliminary Plat Application

1. Application Requirements

After the pre-application conference, if any, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall submit 15 copies of the application for preliminary plat approval to the City Clerk at least twenty calendar days preceding the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Building Official; the supporting documents required for Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council by resolution. The supporting documents shall be drawn at a scale of no smaller than one hundred feet to the inch.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision agreement prepared by the applicant, following a format established by the Planning and Zoning Commission. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the approximate timing and stages of the installation and the name of the design engineer or firm.

3. Preliminary Plat Approval Procedure

- a. After submission of a complete application for a preliminary plat, the Building Official and his/her staff shall review the application. As part of the review, the

Building Official will circulate the application to local utilities, the Natural Resources District if deemed necessary, public safety agencies, and any other applicable provider of public services. Each reviewing agency shall submit written comments to the Building Official within a period which he/she establishes.

- b. Following the comment period, the Building Official shall provide a recommendation for action to the Planning and Zoning Commission.
- c. The Building Official shall notify the board of education in each school district in which the real estate, or some part thereof, to be affected by the preliminary plat lies, of the meeting of the Planning and Zoning Commission at which such plat shall be considered and shall submit a copy of the preliminary plat to the Board of Education at least ten (10) days prior to such meeting. The Building Official shall provide the county planning commission with all available materials on any proposed subdivision plat, contemplating public streets or improvements, for which an application for preliminary plat approval has been filed with the city, when such proposed plat lies partially or totally within the city's extraterritorial subdivision jurisdiction. The county planning commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat; and such review period shall run concurrently with subdivision review activities of the city.
- d. The Planning and Zoning Commission may give approval, give conditional approval, or disapprove the preliminary plat. In addition, the Commission may delay action on the application in order to resolve outstanding issues. In the case the plat is disapproved, the subdivider shall be notified of the reasons for such action.
- e. Approval of a preliminary plat by the Planning and Zoning Commission shall not constitute approval of a final plat but is merely an authorization to proceed with preparation of the final plat.
- f. The preliminary plat approval shall stay in force for a period of six months from the date of approval by the Planning and Zoning Commission. The Planning and Zoning Commission also may grant extensions to the effective period of a preliminary plat approval.
- g. Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents less than 25% of the total number of lots in the entire approved preliminary plat with a minimum of ten lots and provided that the amount of land to be included in later phases exceeds 10 acres. The initial phase of the final plat must be submitted according to the effective dates established in subsection (f) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the Planning and Zoning Commission.

E. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within six

months of the preliminary plat approval, unless an extension has been granted by the Planning and Zoning Commission. The applicant shall submit 15 copies of the application for final plat approval to the Building Official at least one week prior to the regular Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Building Official; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council by resolution.

2. Form of final plat

All final plats shall be drawn on mylar, the sheet size of which shall be twenty-two (22) inches by twenty-six (26) inches. The final plat shall have a one-half inch border on the top, bottom, and right sides and a 1 ½ inch border on the left side of such final plat. The final plat shall be to a scale no smaller than one hundred (100) feet to the inch. The final plat shall show a dedication of all streets, public highways, alleys, parks, easements, and other land intended for public use, signed by the owner or owners and their spouses, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions which are to apply to the lots.

3. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat. Such final subdivision agreement must be in a form satisfactory to the City Attorney of the City prior to approval by the City Council of the City. 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 water treatment, and open space requirements. The agreement shall set forth the division of costs where the City is involved in cost-sharing for over-sized pipe and shall contain an estimate of those costs.

The agreement shall delineate any variances granted pursuant to Section 304 and specify the time scheduled for installation of improvements which are temporarily deferred in accordance with said section.

4. Performance Bond; Other Guarantees

The subdivision agreement shall specify the amount of the performance bond and other guarantees for public improvements to be filed within 15 days after approval of the final plat by the City Council, or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond and other guarantees, if required, must be presented in a form satisfactory to the City Attorney within 15 days after approval of the final plat by the City Council.

5. Final Plat Approval

- a. The Planning and Zoning Commission shall review the final plat and shall, within a reasonable time, act on the plat. Planning and Zoning Commission action shall be

expressed by a recommendation of approval or disapproval to the City Council. If disapproval is recommended, the Planning and Zoning Commission shall state their reasons. After the Planning and Zoning Commission recommendation has been made, the final plat shall be forwarded to the City Council.

- b. The City Council shall take final action on the application. The City Council is further empowered to grant variances from sections of the Subdivision Ordinance pursuant to the standards and procedures established in Section 304.
- c. Upon acceptance by the City Council of a Final Plat, all property pins shall be installed by the developer's Licensed Surveyor, within thirty (30) days after completion of required public improvements. The property pins shall be a minimum of one-half (1/2) inch by twenty-four (24) inch steel rod.

F. Filing the Final Plat

1. Following City Council approval of a final plat, the Chairperson of the Planning and Zoning Commission, the Mayor of the City of Beatrice, and the City Engineer of City shall sign certificates of approval, which shall be a part of the reproducible mylars of the subdivision plat required with submission of the final plat.
2. The subdivider must file the plat along with all applicable covenants and other documents with the Register of Deeds of Gage County within 60 days of the execution of the plat by the Chairperson of the Planning and Zoning Commission and the Mayor. Approval of the final plat shall become null and void sixty days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds of Gage County. It shall be the responsibility of the subdivider to furnish the Building Official with documentation of compliance within the sixty (60) day period. Thirty-day extensions may be granted by the City Council upon written request of the subdivider and submittal of the fee established by the City Council by resolution.
(Ord. No. 02-01 Sec. 1, 1-7-02)

304 Variances

A. Conditions for Variances

1. The Planning and Zoning Commission may recommend and the City Council may grant variances from the provisions of this Subdivision Ordinance only after determining that:
 - a. the property has unique characteristics that prevent full compliance with the regulations;
 - b. the variance is necessary for the reasonable and acceptable development of the property in question; and
 - c. the granting of the variance will not be detrimental to the public welfare or adversely affect adjacent property.
2. In no case shall the requirement for filing and recording a plat for a subdivision be waived.

B. Planned Unit Developments

The Planning and Zoning Commission may recommend and the City Council may grant variances to these regulations for projects developed under the Planned Unit Development overlay district. The subdivider shall indicate areas of variance from these regulations and demonstrate that the variance request will not be detrimental to the public welfare or adversely affect adjacent property.

TABLE 3:1 – APPLICATION REQUIREMENTS

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
PLAT INFORMATION			
Name, address of owner, applicant, and other persons with an interest in or encumbrance on the land to be platted.	X	X	X
Name, signature, license number, and address of engineer, or land surveyor, as applicable, involved in preparation of plat.	X	X	X
Title block, denoting type of application, legal description, and general location.	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, city limits, and other features within 1/4 mile of subdivision boundary.		X	X
Present and proposed zoning.		X	
North arrow, date, and graphic scale	X	X	X
Proof that taxes and special assessments are current	X	X	
Signature blocks for Planning Commission Chairman, Manager of Board of Public Works, City Administrator, City Engineer, and Mayor	X		
Signature blocks for Planning Commission Chairman, Mayor and City Engineer		X	X
Appropriate certification blocks	X	X	X
Monumentation			X
Metes and bounds description, including dimensions, bearings, curb data, tangent length, radii, arcs, chords, and central angles for all centerlines and ROW's, and center line curves on streets.			X

TABLE 3:1 – APPLICATION REQUIREMENTS (con't.)

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
PLAT INFORMATION			
Acreage of tract	X	X	X
Date of original and all revisions	X	X	X
Dimensioning of setbacks		X	X
Location, dimensions, and names of existing and proposed streets and alleys and dedication of proposed streets and alleys	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet	X	X	X
Copy of any existing or proposed deed restrictions or covenants			X
Existing and proposed easements or land reserved for or dedicated to public use and dedication of proposed easements and land reserved for or dedicated to public use	X	X	X
Staging plan		X	X
Payment of application fees	X	X	X
ENVIRONMENTAL INFORMATION			
Property owners and lines within 200 feet		X	
All existing streets, water courses, floodplains, wetlands, wooded areas and major trees, or other environmentally sensitive features within 200 feet		X	X
Existing ROW's and easements within 200 feet		X	X
Topography at five foot contours		X	X
Existing site drainage system	X	X	X
Drainage calculations and perc tests		X	X

TABLE 3:1 – APPLICATION REQUIREMENTS (con't.)

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
ENVIRONMENTAL INFORMATION			
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.		General	Detailed
Spot and finished elevations at all property corners			X
Construction details as required			X
Road and paving cross-sections		X	X
Proposed street names		X	X
New block and lot numbers		X	X
Parcel numbers	X		
Lighting plan and details			X
Pedestrian circulation patterns and sidewalk or trail locations		X	X
Certifications and seals from licensed Professional Engineer, as required by Ordinance			X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources)		X	X
Draft subdivision agreement		X	
Final subdivision agreement			X

ARTICLE FOUR – SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

401 Purpose

The purpose of this Article is to provide flexible design alternatives in order to assure that subdivisions in the Beatrice area create functional and attractive environments, minimize adverse effects, and become assets to the City's urban and natural setting. The Article defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Beatrice and within two (2) miles thereof.

402 Site Design and Constraints

A. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans for the City of Beatrice and its jurisdiction. These include the Comprehensive Development Plan of the City of Beatrice.

B. Preservation of Natural Features and Drainage Patterns

1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - a. Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service.
 - b. Significant stands or specimens of trees, defined as those approaching the maximum size of trees for a given species in the state.
 - c. Flood plain lands, other than areas that have already experienced substantial development or areas that will be developed consistent with the City of Beatrice's Flood Plain regulations, contained in Sections 501 through 509 of the Zoning Ordinance.
 - d. Slopes in excess of 15% as measured over a 10-foot interval. Development on slopes over 15% may be permitted only if an erosion and slope stabilization plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The City may, at its discretion, require the review and certification of such a plan by a licensed Professional Engineer.
 - e. Habitats of endangered species as identified on federal or state lists.

C. Layout General Guidelines for Subdivision

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimization of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.
5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 200 feet.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Beatrice, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the City; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.

D. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

403 Subdivision Design Categories and Rules

A. Purpose

The purpose of this article is to establish design alternatives that provide greater flexibility in subdivision design and make potential development more consistent with the City's site design objectives and the special natural and artificial features of the City of Beatrice and its planning jurisdiction.

B. Requirements

1. No subdivision plat shall be approved unless it conforms to the minimum design standards set forth in Articles Four, Five, and Six of this Subdivision Ordinance.
2. Blocks.

Block lengths shall not exceed twelve hundred (1200) feet or be less than three hundred (300) feet, except as the Planning and Zoning Commission considers necessary to secure efficient use of land or desired features of street layout. Blocks shall be wide enough to

allow two (2) tiers of lots of minimum depth; provided, that where this requirement would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning and Zoning Commission may approve a single tier of lots of at least minimum depth.

3. Lots.

- a. Lot Dimensions.** Lot dimensions such as lot width and lot area shall conform to the requirements of the Zoning Ordinance. No lot shall have an average depth which is more than three (3) times its average width. No lot shall have a depth of less than one hundred ten (110) feet. No lot shall have less than four (4) sides. Generally, all side lot lines shall bear sixty to ninety degrees (60 - 90°) from the tangent of a curved street.
- b. Corner Lots.** Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- c. Access to Lots.** Every lot shall abut on a public street.
- d. Double Frontage and Reverse Frontage Lots.** Double frontage and reverse frontage lots shall be avoided except where lots abut an arterial street. No access shall be provided to a lot from an arterial street when the lot backs onto that arterial street.

ARTICLE FIVE – CIRCULATION SYSTEM DESIGN

501 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Beatrice and within two (2) miles thereof.

502 General Standards

The design of circulation systems should conform to the following general standards and requirements:

A. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Development Plan. For streets not shown on the Comprehensive Development Plan, the arrangement of streets shall provide for the logical extension of existing streets.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent, later developments.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the City Council. Additionally, the system should be designed to discourage through traffic from using local streets.

B. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
2. The pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or create visual interest.
3. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans With Disabilities Act.

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4. Bikeways or recreational trails shall be required only if specifically indicated by the comprehensive development plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this Subdivision Ordinance.

503 Street Hierarchy and Design

A. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function.
2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates prepared by the Institute of Transportation Engineers or other generally accepted standards.
3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
4. The applicant shall demonstrate to the satisfaction of the City Council that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

B. Street Channel Width and Street Names

1. The channel minimum width from back-to-back of curb for each street classification shall be in accordance with Table 5-2.
2. When a subdivision abuts a major street, is bounded by a line that will in the future lie in a major street, or is divided by a major street, then the owner of the subdivision shall dedicate any land that is necessary to provide conformity to the Comprehensive Development Plan of the City.
3. Streets shall be named and numbered by a City-wide coordinate system, such names and numbers to be assigned by the Building Official and approved by the City Council.

C. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.
2. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
3. Curb construction shall follow standards established by the City of Beatrice.

D. Sidewalks

1. Sidewalks shall be constructed in accordance with Chapter 23 of the Beatrice City Code on both sides of the street in all subdivisions. No building permit shall be issued without the showing of plans and specifications for such sidewalk. No certificate of occupancy shall be issued until such sidewalk is completed.
2. No subdivision plat shall be approved by the City Council without the showing of plans for the construction of sidewalks as provided herein.
3. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Beatrice and within two (2) miles thereof.
4. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.
5. All sidewalks shall be constructed according to current standards in use by the City of Beatrice. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick.
6. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

E. Bikeways and Recreational Trails

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the Comprehensive Development Plan.
2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic and shall comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Beatrice. Gradients for bikeways and recreational trails should not exceed five percent.
3. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

F. Street and Alley Right of Way

1. Street Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the street channel, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
2. Any right-of-way that continues an existing street shall be no less than that of the existing street.
3. The requirements for the right-of-way for functional categories of streets are set forth in Table 5-3.

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4. Dedications: Dedications of right-of-way for collector or arterial streets shall be made consistent with the Comprehensive Development Plan. Half streets shall be avoided except where they are essential to the reasonable development of the subdivision in conformity with the other requirements of this Subdivision Ordinance, or, when the Planning and Zoning Commission finds that it will be practical to require the dedication of the other half of the street within a reasonable time. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public street or alley.
 5. Alleys: Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. The minimum width of an alley shall be twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Planning and Zoning Commission. Alleys shall not be provided in residential areas except in cases where the subdivider produces evidence of a need for alleys which is satisfactory to the Planning and Zoning Commission.

G. Street and Alley Design Standards

1. Pavement

- a. All streets shall be paved in accordance with standards adopted by the City Council of the City of Beatrice. Curbs and gutters shall be constructed of portland cement concrete. The minimum street channel width from back-to-back of curb is set forth in Table 5-3. The minimum alley surface shall be paved in accordance with standards adopted by the City Council of the City of Beatrice.
- b. Local streets in rural intensity residential subdivisions located outside of the corporate limits of the City of Beatrice may utilize asphalt or asphaltic concrete or a gravel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface.

2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Cul-de-sacs

Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length and shall be designed so that vision from entrance to end is not restricted. The terminating end of a cul-de-sac shall have a minimum radius of 60 feet. Notwithstanding this section, subdividers are encouraged to minimize the use of cul-de-sac streets longer than 300 feet in length.

4. Street Grades

Required street grades are set forth in Table 5-2.

5. Street Intersections

- a.** Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints.
- b.** In most cases, no more than two streets should intersect at a single intersection.
- c.** Local streets shall not provide intersections with major arterials.
- d.** New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 150 feet between centerlines. The use of T-intersections is encouraged on local streets within the interior of a subdivision.
- e.** Intersection design standards are set forth in Table 5-2.

504 Lighting and Wiring

A. Street Lighting

- 1.** Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America.
- 2.** The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Beatrice.

B. Underground Wiring

- 1.** All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of the approving authorities, such location is not feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
- 2.** New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.ch an Ordinance.

TABLE 5-1: STREET HIERARCHY

Street Type	Function	Guideline Maximum ADT
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid.	1,000-2,500
Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Beatrice, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	2,500-7,500
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	7,500+

TABLE 5-2: STREET CHANNEL WIDTH, GRADE AND INTERSECTION STANDARDS

Street Type	Moving Lanes (Min.)	Parking Restrictions	Maximum Gradient Width	Total Channel	Minimum Curb Radii
Local	Two 11-foot	No restriction	10% (5%)*	31 feet	20 feet (Note 1)
Collector					
No parking	Two 11-foot	No parking	All Types:	31 feet	All Types:
One-side parking	Two 11-foot	One side only	10% (5%)*	31 feet	30 feet
Two-side parking	Two 11-foot	No restriction		40 feet	(Note 1)
Arterials	Four 11-foot	No parking	8%	50 feet	35 feet

* Denotes Maximum Street Grades Within 50 Feet of an Intersection.

Note 1: Intersections shall be rounded at the curb line, with the street having the highest radius requirement as shown in Table 5-2 determining the minimum standard for all curb lines.

TABLE 5-3: CURB, RIGHT-OF-WAY AND PAVEMENT THICKNESS REQUIREMENTS

Street Type	Street Channel Width	Curb/ Shoulder	Total Street ROW	Concrete Pavement Thickness (Min.)
Local				
Rural	31 feet	N/A	60 feet	N/A
Urban	31 feet	Curb	60 feet	6"
Collector				
Rural	31 feet	N/A	60 feet	N/A
Urban				
No parking	31 feet	Curb	70 feet	6"
One-side parking	36 feet	Curb	70 feet	6"
Two-side parking	40 feet	Curb	70feet	6"

Arterials

Arterial right-of-way design and width is determined by state standards and designation of individual street or roadway segment

ARTICLE SIX – PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

601 Requirements

The purpose of this Article is to assure that all subdivisions developed in the City of Beatrice and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, sanitary sewers, and storm water management; and parks and public facilities. Provision shall be made in accordance with Articles 5 and 6 for the complete installation of street surfacing and sidewalks, the installation of street lights, the installation of a complete system of sanitary sewers, the installation of a complete system of storm sewers, and complete installation of water mains.

602 Water

- A. All subdivisions located within the corporate limits of the City of Beatrice or to be annexed with final plat approval shall be provided with an adequate water main supply system, which shall be connected to a public water supply system in accordance with standards and specifications of the Board of Public Works of the City of Beatrice. Fire Hydrants shall be supplied and installed by the developer in a pattern approved by the Fire Chief. The minimum diameter of all mains shall be no less than six (6) inches, except where a larger diameter is required to service a commercial or industrial site.
- B. All subdivisions located outside the corporate limits of the City of Beatrice shall be provided with a complete water supply system that connects all lots in the subdivision to a public water supply system, if available.
- C. Installation of a water supply system shall conform to community design specifications adopted by the City Council of the City of Beatrice.
- D. The subdivider shall be responsible for the entire cost and expense for the construction of all water main systems; provided that, if the City Council requires a larger main for the City's feeder main network, then the City may pay the difference in cost between the size-pipe system required for the larger feeder main network and the size-pipe system that would be required by the community design specifications to serve the subdivision. This contribution is only available to plats located within the City limits or annexed with final plat approval. The dollar amount of City participation for a particular subdivision shall be certified to the City Council by the Mayor prior to the date of approval of the final plat of such subdivision and shall be set forth in the subdivision improvement agreement. The City's agreement to make such contribution shall lapse if the construction is not completed within two years after the date of acceptance of the final plat of the subdivision.
- E. The subdivider shall provide a certification from a registered professional engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this section and all applicable standards of the State of Nebraska upon completion of the required water supply system. The subdivider shall also provide notification from the State of Nebraska, Department of Health that the water supply system of the subdivision is designed and constructed in accordance with all applicable standards of the State of Nebraska upon completion of the required water supply system.

603 Sanitary Sewers

- A.** Sanitary sewers shall be installed adequately to serve all lots in the subdivision, in accordance with standards and specifications of the Board of Public Works of the City of Beatrice. In no case shall the minimum diameter be less than eight (8) inches. Where an approved sanitary sewer system is accessible within 300 feet of the premises, the developer shall connect thereto. Where the City determines that an alternate point of discharge to the community system is more feasible for future community development, the developer shall be liable for that portion of the cost that would be applicable if connection were made at the nearest point of the system. Where an approved system is not reasonable accessible, individual sewage disposal systems may be utilized, in accordance with standards set forth in City specifications governing such installations.
- B.** The subdivider shall be responsible for the entire cost and expense for the construction of all sanitary sewer systems; provided, however, if the sanitary sewer system serves other land upstream beyond the subdivision, the City may agree to contribute to and pay up to the difference in the cost between an eight inch equivalent eight inch diameter pipe system and the required size pipe system. This contribution is only available to plats located within the City limits or annexed with final plat approval. The dollar amount of City participation for a particular subdivision shall be certified to the City Council by the Mayor prior to the date of approval of the final plat of such subdivision and shall be set forth in the subdivision improvement agreement. The City's agreement to make such contributions shall last if the construction is not completed by the subdivider within two (2) years after the date of approval of the final plat of the subdivision.
- C.** The subdivider shall provide a certification from a registered professional engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this section and all applicable standards of the State of Nebraska upon completion of the required sanitary sewer system. The subdivider shall also provide notification from the State of Nebraska Department of Environmental Quality that the sanitary sewer system of the subdivision is designed in accordance with all applicable standards of the State of Nebraska upon completion of the required sanitary sewer system.

604 Storm Water Management

A. Design

- 1.** All subdivisions shall have a storm water pollution prevention plan approved by the City.
- 2.** The design of the storm water management plan shall consist of storm water pollution prevention and on-site retention of storm water for all developments unless the site is served by a storm sewer, channel or natural drainage way having an adequate outlet capacity from the development to a major drainage outfall such as, but not limited to, a storm drain or natural watercourse approved by the City Engineer as a safe place to deposit such waters. Design shall be based on environmentally sound site planning and engineering techniques.
- 3.** To maximum degree possible, drainage from subdivisions shall conform to the natural contours of land and not disturb pre-existing drainage ways.

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4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:
 - a. There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.
 - b. No action shall unreasonably collect and channel storm water onto lower properties.
 5. Design of the on-site retention shall use the best available technology to compute difference of water volumes between the historic and developed flows resulting from a twenty-five year frequency storm, unless another jurisdiction has more stringent requirements. The tributary areas used in the computation shall be the area of the subdivision or the development site. The requirement for on-site retention may be waived by the City Engineer if he determines that the retention is impractical because of, but not limited to steep terrain, poor percolation, or incompatibility with existing or surrounding improvements. The City Engineer may require additional drainage studies or reports in such cases to determine if a critical drainage problem will be created on adjacent or downstream properties, encourage natural infiltration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may also include swales, porous paving, and terracing.
 6. No surface water may be channeled into a sanitary sewer system.
 7. Where possible, a subdivision's drainage plan shall coordinate with that of surrounding properties or streets.
 8. The preliminary plat submission must include the preliminary drainage plan. All final plats shall include a certification from a registered Professional Engineer that the storm water management plan of the subdivision is designed and constructed in accordance with the requirements of this Section.

605 Parks and Public Facilities

Suitable sites for parks, schools, playgrounds and other public requirements shall be carefully considered and indicated on the preliminary plat, so that they can be compared with the Comprehensive Development Plan; and it can be determined which of such sites, if any, should be indicated on the final plat.

606 Easements

A. Utility Easements

Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities in a five foot wide strip of land adjoining all side property lines required by the Planning and Zoning Commission; and a ten foot wide strip of land adjoining all rear property lines. Permanent easements shall not be obstructed by structures and shall be kept in a condition allowing easy access by utility maintenance personnel and equipment. Wider easements may be required by the Planning and Zoning Commission based on the specific circumstances of the development involved.

B. Drainage Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. The minimum width for drainage easements shall not be less than ten (10) feet for closed conduits and ten (10) feet for open channels. Parallel streets or parkways may be utilized to preserve such drainage ways.

C. Other Easements

The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the City or other appropriate public agency.

607 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands shall be completed as required by this Ordinance.

ARTICLE SEVEN – IMPROVEMENT GUARANTEES

701 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

702 Application and Requirements

- A.** This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- B.** Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the Planning and Zoning Commission, all public improvements required by this Subdivision Ordinance, and such improvements shall be accepted by the City in accordance with Section 703 of this Subdivision Ordinance. Final plat approval shall not be granted until said improvements are accepted by the City Council.
- C.** In lieu of requiring the completion of all public improvements prior to final plat approval, the City may, at its discretion, include provisions within the Subdivision Agreement negotiated between the developer and the City whereby the subdivider agrees guarantee to complete all public improvements required by this Subdivision Ordinance in a manner satisfactory to the Planning and Zoning Commission. To secure this obligation, the subdivider shall provide a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount equal to 100 percent of the estimated cost of the improvement installation as determined by the City Engineer. Such guarantee shall be furnished to the City within 15 days after the approval of the final plat by the City Council. The performance guarantee amount, along with the permitted time for installation, shall be included in the Subdivision Agreement negotiated between the City and the developer and approved with the final plat.
- D.** The developer may petition the City of Beatrice to construct street surfacing, sanitary sewer and water mains in the proposed subdivision by the district method. The size of any street improvement district, sanitary sewer district, or water main district shall be determined by the City Council; and the City Council of the City may require the developer to furnish a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount up to 100 percent of the estimated cost of the improvement installation as determined by the City Engineer. Such guarantee shall be furnished to the City within 15 days after the approval of the final plat by the City Council. The performance guarantee amount, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the City and the developer and approved with the final plat.
- E.** Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The City Council shall have the power to

extend this deadline for one additional year where the subdivider can present substantial reasons for doing so. The permitted time for installation shall be included in the Subdivision Agreement.

- F.** No performance bond, letter of credit, cash escrow or other guarantee required by this section shall be accepted by the City unless:
1. It is enforceable by or payable to the City of Beatrice;
 2. It provides that any extension of time, change, alteration, or addition, which may be approved by the City of Beatrice for construction or completion of the improvements for which the bond is given, shall in no manner affect or relieve the obligation of the surety, regardless of whether or not the surety is given notice of any such extension of time, change, alteration, or addition;
 3. It cannot be terminated without the written authorization of the Mayor;
 4. It is written by a corporate surety company authorized to do business in the State of Nebraska, or approved security deposits have been made to an institution licensed to do business in the State of Nebraska; and
 5. It is a form with surety and conditions approved by the City Attorney of the City of Beatrice.

703 Notification of Completion and Acceptance by City

A. Notification

Upon substantial completion of all required improvements, the developer shall notify the City Engineer in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

B. Inspection and Acceptance

1. The City Engineer or his/her designee shall inspect all installations, and shall approve, partially approve, or disapprove of the installation.
2. If the installation is approved, the City Engineer shall notify the Developer of acceptance in writing.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.

704 Issuance of Building Permits

All improvements proposed within a subdivision and established in the approved subdivision agreement must be completed and accepted by the City pursuant to Section 703 before the issuance of a building permit for any structure within the subdivision.