

**SUBDIVISION REGULATIONS
DOUGLAS COUNTY, NEBRASKA**

I. TITLE AND AUTHORITY

This section of the Douglas County Land Use Regulations shall be known and may be cited as the "Douglas County Subdivision Regulations". This chapter restates the Board's statutory authority and mandate with regard to subdivision of land pursuant to Nebraska Revised Statutes §23-372 through 377.

II. INTENT AND POLICY

The procedure by which land is subdivided into blocks and lots is a matter of great mutual concern to the subdivision applicant and the County. The street pattern, the size of lots and the utilities installed usually become permanent features of the community so that mistakes in subdivision development may cause great financial loss to the applicant and continual excessive maintenance expense to the County.

A. It is the intent and policy of this regulation to regulate the subdivision of land in conformance with the Comprehensive Plan so as to provide appropriate open space and protection of natural features consistent with the conservation design requirements of the Comprehensive Plan, functional street layouts; adequate sized lots which are in conformity with the highest and best use of the land; adequate open spaces for recreation, schools, and traffic; adequately sized utilities and adequately improved streets; and other features of the Comprehensive Plan – primarily consistent with conservation design and that the development of land may proceed in an orderly manner with good livable neighborhoods and that the needed community facilities may be created and excessive County maintenance expense may be avoided.

B. Implementation of this regulation is intended to protect and provide for the public health, safety and general welfare of the residents of the County by helping ensure adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population. Further, to protect the character and social and economic stability of the county while respecting private property rights and to protect and conserve the value of land, buildings and improvements upon the land while minimizing the conflicts among the uses of lands and buildings in a manner consistent with the basic principles of the Comprehensive Plan.

III. PUBLIC PURPOSE

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivisions is an exercise of valid authority granted by the State to this County. The applicant has the duty of compliance with reasonable conditions laid down by the Board for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the county and to the health, safety, and general welfare of the future lot owners in the subdivision and the community at large.

IV. JURISDICTION AND ENACTMENT

This regulation shall apply to all unincorporated areas within the County where cities and villages do not exercise zoning control. In order that land may be subdivided in accordance with these purposes and policies, this regulation is hereby adopted and made effective as of the date of approval by the County Board. All applications for subdivision approval pending on the effective date of this subdivision regulation shall be reviewed under this regulation, except that this regulation will not apply if preliminary plat approval was obtained from the County Board prior to the effective date of this subdivision regulation.

V. REPEAL

This regulation repeals and replaces all subdivision regulations of the County.

VI. RELATIONSHIP TO OTHER REGULATIONS AND LAWS

If municipal, county, state or federal laws or regulations or future county resolutions impose additional standards on land use within the unincorporated areas of the County, the more restrictive standard of the entity with legal jurisdiction shall apply.

VII. APPLICATION

Every owner of any lot, tract, or parcel of land within the County, outside the subdivision jurisdiction of any city or village, who may hereafter subdivide the same into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development shall submit a subdivision plat to the Board in accordance with this regulation and comply with all other provisions of this regulation. When the smallest parcel of land created is more than twenty (20) acres in size, the division of land shall not be considered a subdivision and shall not be subject to the provisions of this section.

VIII. SEVERABILITY CLAUSE

If any section, subsection, paragraph, sentence, clause, phrase, provision or part or portion of any section, subsection, paragraph, sentence, clause, phrase, or provision of this regulation, or the application thereof to any person or circumstance, is held invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not affect the validity or application of any other section, subsection, paragraph, sentence, clause, phrase, provision or part or portion of this regulation.

IX. AMENDMENTS

For the purpose of protecting the public health, safety, and general welfare, the Planning and Zoning Staff or Planning Commission may from time to time propose amendments to these regulations after consideration at a public meeting following public notice, which shall then be approved or disapproved by the County Board at a public meeting following public notice.

X. ENFORCEMENT AND PENALTY

A. No plat of any subdivision within the application of this regulation shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by this regulation.

B. It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision within the application of regulation unless said plan, plat or replat shall have first been approved as prescribed by this regulation and filed and recorded in the office of the Register of Deeds.

C. No permit for building shall be issued for any structure on a site or tract of land which is not a lot of record at the time of the effective date of this regulation or which has not been approved or recorded in accordance with the provisions of this regulation.

D. No building permit will be issued for any lot within a subdivision until the dedicated public road improvements servicing that lot are in place. Provisions for potable water, sanitary sewer and all other utilities, and stormwater best management practices must be finalized before issuance of any building permits. Certificates of occupancy will not be issued until all said water, sanitary sewer, other utilities, and stormwater best management practices are installed and functional for that lot.

E. The penalty for violation of any provision of this regulation shall be a misdemeanor as provided for in Nebraska Revised Statutes §23-114.05.

XI. APPEALS OF PLANNING AND ZONING STAFF INTERPRETATION OF DEFINITIONS

The Planning and Zoning Coordinator or designee shall interpret all subdivision regulations and their application in this regulation. Appeals of those determinations may be submitted to the Board of Adjustment as provided for under N.R.S. §23.168.02 for consideration.

XII. DEFINITIONS AND INTERPRETATION (SPECIFIC TO THIS SUBDIVISION REGULATION)

Refer to Article 2 of the Douglas County Zoning Regulations for general definitions.

A. For the purpose of this subdivision regulation, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” as used herein is mandatory and not merely directory.

1. *Alley* shall mean a public right-of-way which is used primarily as a secondary means of access to the abutting property.
2. *Applicant* shall mean the owner of land proposed to be subdivided or their representative who is responsible for any undertaking that requires review and/or approval under these regulations.
3. *Block* shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, un-platted lands or a combination thereof.
4. *Cluster* shall mean a development design technique that concentrates buildings within a subdivision to allow remaining land to be used for common area, or to preserve historic or environmentally sensitive features.
5. *Comprehensive Plan* shall mean the most recent update of the Douglas County Comprehensive Development Plan for improvement and development of the County as recommended for approval by the Planning Commission and adopted by the County Board.
6. *Contiguous* shall mean when at least one boundary line touches a boundary line or lines of another lot or parcel.
7. *Conservation Outlot* shall mean an area of undeveloped land within a residential development conserved in its natural state, held in common ownership by a Homeowner's Association with deed restrictions protecting the outlot from future development.
8. *County* shall mean Douglas County, Nebraska.
9. *County Board* shall mean County Board of Commissioners of Douglas County, Nebraska.
10. *Cul-de-sac* shall mean a street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.
11. *Easement* shall mean authorization by a property owner for another to use the owner's property for a specified use.
12. *Lot* shall mean a portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.
13. *Lot of Record* shall mean a tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds office of Douglas County, Nebraska.

14. *Outlot* shall mean a portion of a subdivision intended or reserved as a unit for public purposes or private common area that has restrictions for transfer of ownership and building development which are designated by the subdivider at the time of filing of the initial plat.
15. *Plat* shall mean a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.
16. *Private Way* shall mean an approved private right-of-way which provides primary access to one or more properties along its continuous length.
17. *Right-of-way* shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
18. *Setback* shall mean the distance between a building and a lot or property line.
19. *Street* shall mean a right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.
20. *Street, Major* shall mean a street of considerable continuity connecting various sections of the county, including, but not limited to, the county highway system.
21. *Street, Marginal Access* shall mean a minor street or frontage road which is approximately parallel to and adjacent to or part of a major street and provides access to the abutting properties and protection from through traffic.
22. *Street, Collector* shall mean a street which carries traffic from a minor street to a major street; a main thoroughfare.
23. *Street, Minor* shall mean a street which is used primarily for access to the abutting properties.
24. *Subdivider* shall mean a natural person, firm, co-partnership, association or cooperation who submits a proposed subdivision to the County Board.

25. *Subdivision* shall mean the division of a lot, tract or parcel of land into two or more sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel of land created is more than twenty acres in area.

26. *Water Course, Drainage Way, Channel or Stream* shall mean a natural or man-made depression in which a current of surface run-off water flows following precipitation.

XIII. APPLICATION REQUIREMENTS AND PROCESS

A. Statutory Platting Requirement

1. Pursuant to N.R.S. §23-373, no owner of 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 of such county. At such time as a city or village exercises such controls over an unincorporated area by adopting or amending subdivision regulations, its regulations shall supersede those of the county. All applications for subdivisions must conform with Sections D, E, and F (Application Requirements and Process) and shall be considered by the Planning Commission per N.R.S. §23.114.04 (1) prior to referral to the Board.
2. No plat of real property described in N.R.S. §23-373, shall be recorded or have any force and effect unless the same be approved by the county board of such county. The County Board of Douglas County shall have power by resolution, to provide the manner, plan, or method by which real property in any such area may be subdivided, platted, or laid out, including a plan or system for the avenues, streets, or alleys to be laid out within or across the same including the hard surface thereof.

B. Preliminary Plat

1. The subdivider shall prepare and submit to the Planning Commission, according to the published application deadline schedule, a preliminary plat together with an application form, receipt for platting fee and any other necessary supplementary information required by the County. It is understood that preparation of a Preliminary Plat will be done subsequent to a pre-application meeting between the developer and County planning staff. The purpose of the pre-application meeting is to identify the Preliminary Plat submittal requirements and review the County regulatory requirements that will apply to the proposed development.
 - a. Twenty-five (25) paper copies of the preliminary plat at a scale of not less than 1 inch - 100 feet shall be filed. A digital copy of the preliminary plat which can be opened and viewed in the most current release of Auto Cad, and a digital copy in pdf format, shall also be provided. The preliminary plat shall contain or be supplemented by the following information:
 - (1) Proposed name of the subdivision which shall not duplicate nor confusably resemble previously filed plat names.
 - (2) A record of survey, for the outer boundary of the land to be platted, shall be prepared and submitted by the licensed surveyor who is to sign the plat. The record of survey cannot be more than one (1) year old.
 - (3) Names and addresses of the developer and engineer, surveyor or land planner preparing the plat.
 - (4) North point (which shall be directed to the top or right side of the plat), scale and date.
 - (5) Location, width and name of each existing or platted street within the proposed subdivision and within two hundred feet (200') thereof; location and width of other public ways, railroads, utilities rights-of-way or easements, parks and other public open spaces within the proposed subdivision; and location of existing permanent buildings within proposed subdivision and within 50 feet thereof. Existing permanent buildings in the projected alignment of streets outside the proposed subdivision within 250 feet of proposed subdivision shall also be shown.
 - (6) All existing sewers, culverts and other underground installations within the proposed subdivision or immediately adjacent thereto or the location of the nearest available such facilities.

(7) Existing and proposed tentative contours at intervals adequate to portray existing and proposed conditions; also the locations of water courses, bridges, wooded areas and such other topographic features as may be pertinent to the subdivision.

(8) Existing and proposed zoning of proposed subdivision and existing zoning of adjacent tracts.

(9) A small scale key or vicinity map adequately covering the area within a half mile radius of the subdivision, showing the relation of the plat to major street, parks, schools and surrounding major commercial, industrial developments and the boundary of the drainage area affecting the plat.

(10) The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.

(11) The general location and character of proposed sanitary sewer facilities and stormwater best management practices that will be either temporary or permanent.

(12) A grading plan, consistent with the requirements of the Stormwater Management Regulation and a copy of the proposed Stormwater Pollution Prevention Plan (SWPPP) for the development. No grading or other development activities are to be initiated until a grading permit has been issued and the SWPPP approved by the County. The grading permit will be issued by the Environmental Services department following necessary coordination and consultation with the County Engineer, NDEQ, Papio-Missouri River NRD, City of Omaha and/or other necessary agencies.

(13) Statement describing proposed water supply system.

(14) Layout, numbers and approximate dimensions of lots.

(15) Location and size of any proposed school sites, parks, playgrounds, churches or other public lands to be considered for sale or dedication to public use.

(16) Two copies of tentative center line profiles showing the existing street grades and proposed approximate grades of all streets.

2. Once a complete application (i.e. all required submittals have been received) the Planning and Zoning Coordinator shall transmit copies of the preliminary plat to the County Engineer, local School District, Metropolitan Area Planning Agency, Douglas County Health Department, Omaha Planning Department, Metropolitan Utilities District, Omaha Public Power District, local Fire Department, Nebraska Department of Roads, Papio-Missouri River Natural Resources District, Douglas County Emergency Management, and surrounding cities and villages, or official body or agency, as may be appropriate. Each agency/entity will be requested to review the plat and submit comments to the Planning and Zoning Coordinator.
3. Hearing Procedure: The Planning & Zoning Coordinator will schedule a public hearing once a completed application has been received.
 - a. The Planning Commission will consider the preliminary plat at a public hearing, and will publish a notice of the public meeting to consider the plat at least once in the official newspaper at least three days before the public hearing. The notice will contain the location of the land, the name of the proposed subdivision and the date of the public hearing and will be mailed by first class mail to surrounding landowners within one mile of the parcel of land. A sign will also be posted on the property with information regarding the public hearing. The Planning Commission shall consider the preliminary plat and the recommendations of Planning and Zoning Staff, reviewing agencies and organizations, and public testimony and shall make its recommendations to the County Board.
 - b. The Board shall consider the preliminary plat and the recommendations of the Planning Commission, Planning and Zoning Staff, any reviewing agencies and organizations, and public testimony and shall approve or deny the application after a public hearing. Prior to said public hearing the Planning and Zoning Coordinator shall prepare a notice to be published at least once in the official newspaper at least three days before the public hearing. Said notice shall contain the location of the land, the name of the proposed subdivision and the date of the public hearing.
4. If a subdivision is one or two lots, or is proposed consistent with the provisions of the Zoning Regulations Article 4.12.C (Exception for Farmstead Lots) the Planning Commission may consider the preliminary and final plats at a single public hearing.
5. If neither a part nor all of the preliminary plat is submitted for final approval within one (1) year after a preliminary plat approval, the preliminary plat shall be void unless an extension is granted by the County Board.

C. Final Plat

1. After approval of the preliminary plat by the County Board, the subdivider shall prepare and submit to the Planning Commission, according to the published application deadline schedule, a final plat prepared by a registered engineer or registered land surveyor in the State of Nebraska for recording purposes to include the following:
 - a. A preliminary sanitary sewer plan if sanitary sewer is available by gravity flow, as provided in Section F.
 - b. The proposed types and locations of stormwater best management practices (BMPs) that are intended to be temporary and/or permanent. The plan shall identify the timeline for installation and shall identify the responsible party(ies) for installation and operation/maintenance of the BMPs. Cross section and plan view scale drawings of the proposed BMPs shall also be submitted. Subdivider shall verify that the proposed BMPs will maintain the stormwater runoff from the development at or below pre-development conditions. In other words there shall be no net increase in stormwater runoff from the development.
 - c. A detailed description of the open space to be dedicated and protected from development. Description shall include the legal description of such open space (if not otherwise defined on the final plat), the mechanism(s) for protecting the open space from development and/or encroachment by owners of adjacent building lots, and the proposed provisions for ongoing operations and maintenance of the open space.
 - d. A street profile plan with a statement of proposed street improvements.
 - e. An engineer hired by the developer and registered in the State of Nebraska shall sign the plat certifying that all improvements required by these subdivision regulations have been installed or satisfactorily arranged for.
2. Twenty eight (28) copies of the final plat shall be submitted to the Planning Commission as follows: three (3) Mylar's which shall bear the original signatures on the required certificates; and twenty five (25) unsigned paper prints. The overall plat dimensions shall be 36 inches wide x 24 inches in height with a 1 ½ inch margin on the left side of the short dimension for binding and a ½ inch margin on the other three sides. A digital copy of the preliminary plat which can be opened and viewed in the most current release of Auto Cad, and a digital copy in pdf format, shall also be provided. The Plat shall show or be supplemented by the following information:
 - a. Name of subdivision, north point, scale and names of owner and surveyor or engineer.

- b. Location by section, township, range, county and state and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in seven thousand, five hundred (7,500).
- c. The exact location and layout of lots, streets, alleys and other public ground, with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground, together with the names of the streets.
- d. Location, use and width of all required easements.
- e. Location and description of monuments.
- f. A Record of Survey, signed by a registered land surveyor, must be provided. The Record of Survey shall contain the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the final plat. Said Record of Survey shall also state that a ground survey has been made and that monuments have been placed as shown on the plat or that temporary monuments have been placed and that the bond, described in Section F "Improvements" of these regulations, has been duly furnished to the County. For the bond to be released, a Record of Survey shall be filed upon the completion of the permanent lot staking. Said Record of Survey shall state the type and description of all permanent monuments set.
- g. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided, consenting to the plat including dedication to the public for public use of all streets, alleys and public ways and dedication of parks or other public grounds or as is thereon dedicated to charitable, religious or educational purposes, if any, and granting easements.
- h. Certificate signed by the County Engineer reviewing the plat.
- i. Certificate for the approval of the Planning Commission to be signed by the Chairman.
- j. Certificate for the approval of the County Board to be signed by the Chairman and attested by the County Clerk.
- k. One copy of any private restrictions or covenants affecting the subdivision of any part thereof.

3. Hearing Procedure:

a. Planning Commission will consider the final plat at a public hearing, and will publish a notice of the public meeting to consider the plat at least once in the official newspaper at least three days before the public hearing. The notice will contain the location of the land, the name of the proposed subdivision and the date of the public hearing and will be mailed by first class mail to surrounding landowners within one (1) mile of the parcel of land. The Planning Commission shall consider the final plat and the recommendations of Planning and Zoning Staff, any reviewing agencies and organizations, and public testimony and shall make its recommendations.

b. After review and consideration by the Planning Commission, the plat shall be submitted with their recommendation to the County Board for final approval and adoption after a public hearing. Prior to said public hearing the County Board shall prepare a notice and cause same to be published at least once in the official newspaper at least three days before the public hearing. Said notice shall contain the location of the land, the name of the proposed subdivision and the date of the public hearing. The Board shall consider the final plat and the recommendations of the Planning Commission, Planning and Zoning Staff, any reviewing agencies and organizations, and public testimony and shall approve or deny the application.

c. Filing Procedure with Register of Deeds. Certificate signed by the County Treasurer stating there are not regular or special taxes due or delinquent against the property described in the plat must be obtained prior to filing with the Register of Deeds. If the final plat is not filed by the applicant with the Douglas County Register of Deeds within 30 days from the date of approval of the Final Plat by the County Board, the final plat shall be void unless an extension is granted by the County Board.

d. Zoning Map Changes. Planning and Zoning Staff will update the County's Zoning Map of any concurrent zoning changes.

D. Minimum Requirements for Subdivision Application (Preliminary and Final Plat).

1. The following information is required to accompany each subdivision application submitted to the Planning Commission. Evidence satisfactory to the Planning Commission that:

a. The proposed subdivision complies with any applicable zoning or land use regulations.

- b. The subdivided land is free of all encumbrances, and that the person or his/her agent who offers any part of the subdivision for sale may convey merchantable title subject only to noted restrictions of record.
- c. A subdivision containing exactly two lots, in which either lot is less than 300' in width where the lot abuts and has access to the public right-of-way, must have a shared private road for access to the public right-of-way. The shared private road must have an access permit approved by either the Douglas County Engineer or the Nebraska Department of Roads. The owners of each lot shall execute permanent easements to provide access to the shared private road by each owner in the subdivision.
- d. Any subdivision of more than two lots where any lot is less than 300' in width where that lot abuts and has access to a public right-of-way, must have a dedicated public road for access to the public right-of-way. The public road must be constructed to meet County engineering standards and must be approved by the Douglas County Engineer.
- e. Conservation Subdivision may have a shared private road for access to the public right-of-way or a dedicated public road for access to the public right-of-way. The shared private road must have an access permit approved by either the Douglas County Engineer or the Nebraska Department of Roads. The owners of each lot shall execute permanent easements to provide access to the shared private road by each owner in the subdivision. The public road must be approved by the Douglas County Engineer.
- f. Permanent easements recorded prior to 6-7-94 shall meet the requirements for access and abutment.
- g. A Stormwater Pollution Prevention Plan (SWPPP) and stormwater best management practices (BMPs) (both temporary and permanent facilities) to be utilized in the subdivision.
- h. Adequate sanitary sewage treatment facilities. All subdivisions must comply with the sanitary sewage utility requirements of the zoning regulations and regulations supplemental thereto. Maintenance of sewage treatment facilities must be provided for in through an established Sanitary Improvement District or other means acceptable to the County.
- i. Adequate domestic water facilities. All subdivisions must comply with the water supply requirements of the zoning regulations and regulations supplemental thereto. Where a municipal water supply is not available, all subdivisions with five or more lots must have shared non-community water supply (community water supply serves at least fifteen service connections used by year round residents or regularly serves twenty-five year round residents). Maintenance of water supply facilities must be provided for

through an established Sanitary Improvement District or other means acceptable to the County.

j. All well and septic system permits are issued by the Douglas County Health Department and must be in compliance with Douglas County Zoning Regulations and regulations supplemental thereto.

k. Private wells are not allowed in subdivisions and related developments that are served, or can be served, by a municipal water supply.

l. Lots utilizing private wells and septic systems must be a minimum of three acres in size.

m. Adequate power and telephone facilities are planned.

n. Sufficient financial resources are available to complete all required improvements. The subdivider shall provide a surety bond, letter of credit, or comparable instrument acceptable to the County Attorney, to certify that any and all facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed.

o. Any other information consistent with this subdivision regulation which the Planning and Zoning Staff or Planning Commission deems pertinent or relevant to the evaluation of the application.

p. Proposed covenants for the subdivision. Covenants shall include, but not be limited to, provisions for installation and payment of future sanitary sewer hookups and municipal water supply.

E. Minimum Design Standards (Preliminary and Final Plat).

1. No subdivision plat shall be approved and accepted unless it conforms to the following minimum requirements:

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

b. Streets and Alleys:

(1) The arrangement of major streets shall conform as nearly as possible to the Comprehensive Plan with provisions for the extension of major and collector streets. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provision shall be made for future connections to adjoining un-subdivided tracts.

(2) Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs are permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than six hundred (600) feet and shall terminate with a turn-around having a diameter of not less than eighty (80) feet.

(3) Where a proposed subdivision is adjacent to or contains an existing or proposed major or controlled access thoroughfare, provision shall be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or lots shall back up to the major street and have access only to the minor street.

(4) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.

(5) Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.

(6) Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.

(7) The right-of-way widths, pavement widths (face to face of curb) and grades for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions or more than the maximum grades for each classification as follows:

Type	R.O.W.	Pavement	Grade	Minimum Sight Distance on Vertical Curves
Major Street	*100'	68'	7%	425'
Marginal Access Streets	35'	25'	8%	300'
Collector Streets	**60'	38'	8%	250'
Minor Street	50'	25'	10%	175'
Alleys	20'	12' Res.		
		20' Com. No max.		None
Cul-de-sac Streets	50'	25'	10% Average	175'

* streets in these classifications shall be designed and graded to the full right-of-way widths stated.

** collector and/or lesser volume streets may be narrowed in width if such narrowing is designed to reduce overall impervious surfaces pursuant to the subdivision's overall stormwater management. Such width adjustments shall not cause to impede the provision of essential services.

(8) The horizontal alignment on all streets except in unusual cases shall be as follows:

	Radii of horizontal curves
Major Streets	700' Minimum
Collector Streets	300' "
Minor Streets	100' "

(9) Traffic calming elements shall be incorporated in the design of the plats interior street systems, when the alignment of any interior street has a tangent that exceeds 1,000' in length. Design of the traffic calming elements shall conform to Douglas County's current traffic calming standards and policies.

c. Blocks: The maximum length of blocks shall be 1,320 feet, unless a different length is required to accommodate the conservation design of the subdivision.

d. Lots:

(1) The minimum average width of residential lots in the plat shall be not less than sixty (60) feet for rectangular lots and not less than sixty (60) feet at the required front building line for lots whose side lines are radial to a curved street. The minimum depth shall be 100 feet, but in no case shall the minimum lot area be less than 6000 sq. ft.

(2) Corner lots for residential use shall have additional width to permit building setbacks as required by the zoning regulation.

(3) Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.

(4) Every lot shall abut and have access to a public street.

(5) Double frontage lots shall be avoided except where they back upon a major street.

(6) Setback or building lines may be shown on all lots but shall not be less than the setback required by the Zoning Regulation.

(7) Lot dimensions and requirements, as defined here in this subsection E can be modified to accommodate the conservation design of the subdivision.

e. Easements:

(1) Easements on rear or side lot lines shall be provided for sanitary sewers and utilities where necessary and for future installation, and shall be a total of at least ten (10) feet wide.

(2) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of such widths as will be adequate for both water flow and maintenance operations. No other surface improvement or fill, except trails, bank stabilization, stabilization structures or poles and sign structures shall be placed in any such easement.

(3) Where a subdivision is traversed by the Big Papillion or West Branch Papillion Creek, there shall be provided to the Papio-Missouri River Natural Resources District a permanent easement not greater than the required creek setback and not more than required for construction, operation, and maintenance of channel and flood control improvements and public recreation trails. No other surface improvements or fill, except bank stabilization structures or poles and sign structures shall be placed in any such easement. The proposed easements shall be identified on the Preliminary Plat documents.

f. Emergency Management Warning Sirens:

(1) For all subdivisions with 10 lots or more and not within audible range of an existing civil defense warning siren, a civil defense warning siren system subject to standards and regulations established by the County Emergency Management Director shall be installed.

(2) The emergency management warning siren system shall be operational within 30 days of occupancy of the first lot.

g. Tree Preservation:

(1) Plan to provide for protection of 75% of existing tree canopy on the property. (Refer to Section J. Landscape Guidelines)

F. Improvements

1. Inasmuch as the primary purpose of subdividing land is to create residential building sites or commercial or industrial building sites and inasmuch as vehicular access and certain utilities are essential to urban development, it shall be the responsibility of the developer to install in accordance with plans, specifications and data approved by the County Board certain, required improvements as follows:

a. Staking: The following described monuments shall be installed before the County Engineer shall approve the plat, or in lieu thereof a performance bond, in an amount equal to the cost of doing such work shall be furnished to Douglas County with certification signed by an engineer hired by the developer and registered in the State of Nebraska that all improvements required by the subdivision regulations have been installed or satisfactorily arranged for:

(1) The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than 5/8 inches in diameter and extending at least 24 inches below grade.

(2) Lot corners, all points of curvature, points of tangency and other points not required to be marked by Section 6 shall be monumented by iron rods or pipes not less than 5/8 inch in diameter and extending at least 24 inches below grade.

(3) Certificate of completion of staking shall be filed with the County Engineer by the developer's engineer.

b. Street Grading: All full width streets located entirely within the boundary of the subdivision, except major and collector streets as noted in Section E hereof, shall be graded to a minimum width of 9 feet back of both curb lines to within six (6) inches of the grade established by the County Engineer. 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 Douglas County with certification signed by an engineer hired by the developer and registered in the State of Nebraska that all improvements required by the subdivision regulations have been installed or satisfactorily arranged for. Where crushed rock or gravel is permitted for street surfacing, such street shall be graded to its full width.

c. Street Surfacing: All streets shall be paved. The streets shall be paved with integral curbs except where all lots abutting the street have street frontage widths of 100 feet or more, in which case a rural type section may be permitted. The thickness of pavement shall be as approved by the County Engineer, minimum asphalt paving thickness shall be 8" asphalt and minimum Portland cement concrete thickness shall be 7".

d. Sanitary Sewer: Where a sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewage as required by law. Where a sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans. (Reference Douglas Zoning Regulations, Supplemental Regulations, Septic Systems (Private).

e. Stormwater Management: The developer shall provide a system of stormwater best management practices (BMPs) that will serve to maintain or reduce stormwater runoff to pre-development levels and does not result in adverse impacts to adjacent properties.

f. Water Mains: The subdivision shall be provided with an adequate water main that meets Metropolitan Utilities District supply system specifications and which shall be connected to an approved water supply system. The location of fire hydrants shall be shown on the water utility plan.

g. Noxious Weed Control Plan: Plan to be submitted to and approved by the Douglas County Weed Superintendent.

h. Sidewalk Specifications:

(1) All sidewalks in blocks with improved streets shall have their outer edge a minimum of four (4) feet from the backside of the curb. The intent of the setback from the curb is to allow for snow accumulation from plowing on the street. As approved by the County, it is acceptable to adjust the sidewalk spacing from the curb in order to preserve trees or to accommodate low impact development stormwater Best Management Practices.

(2) All sidewalks must be four (4) feet wide (minimum) and four (4) nominal inches thick (minimum) except at driveways, where walk is to be at least six (6) nominal inches thick. Sidewalks designed to be a part of an internal trail system and/or a part of the metropolitan area trail system may be wider than four (4) feet and generally should be eight (8) or ten (10) feet in width.

(3) All sidewalks must be constructed of Portland cement concrete conforming to the following specifications:

- (a) 5½ Sack Ready Mix Concrete, or
- (b) 5½ Sack Mix with 2956 lbs. Dry Weight Sand Gravel (total water not to exceed 6 gallons per sack
- (c) Slump not to exceed 3”

(4) Sand Gravel Specifications: Percent retained on the following sieves:

	<u>Minimum Percent</u>	<u>Maximum Percent</u>
No. 1 Sieve	0	0
No. 4 Sieve	5	25
No. 10 Sieve	35	55
No. 20 Sieve	60	80
No. 30 Sieve	70	85
No. 100 Sieve	95	100

- (a) Foreign material not to exceed ½ of 1%. Sand gravel can contain no coarse material.

(5) All grades will be such as to match the adjoining existing curbs, sidewalks or drives in each individual construction area or as set by the County Engineer if above stated improvements do not exist.

(6) All methods and procedures or proportioning, mixing, placing, finishing, and curing concrete shall conform to all recognized good practices for the same. The contractor will be required to perform all operations in accordance with such recognized and accepted practices, whether said practices are detailed in these specifications or not.

(7) All sidewalks must have a slope of one-eighth (1/8) inch to one (1) foot of width, and the slope shall be in conformance with any stormwater Best Management Practices installed along the sidewalk.

(8) Driveways crossing a sidewalk will conform to sidewalk requirement. Sidewalks will not be sloped to accommodate the driveway slope, except where approved by the Building Inspector because of the topographical condition of the property.

(9) Sidewalks must have expansion joints where said new sidewalk abuts another sidewalk, concrete driveway, or radius of a curb, and transverse expansion joints at intervals of approximately twenty-four (24) feet, throughout the entire length (48' if joints are recessed 1/4" and sealed with expansion joint sealer).

(10) All edges and joints must be finished with standard edging and jointing tools and the surface must be finished with a belt, broom, burlap or other textured surface so as to avoid a smooth trowel finish.

(11) Curing: Surface of concrete shall be maintained continuously wet for a period of seven (7) days by one or more of the following methods:

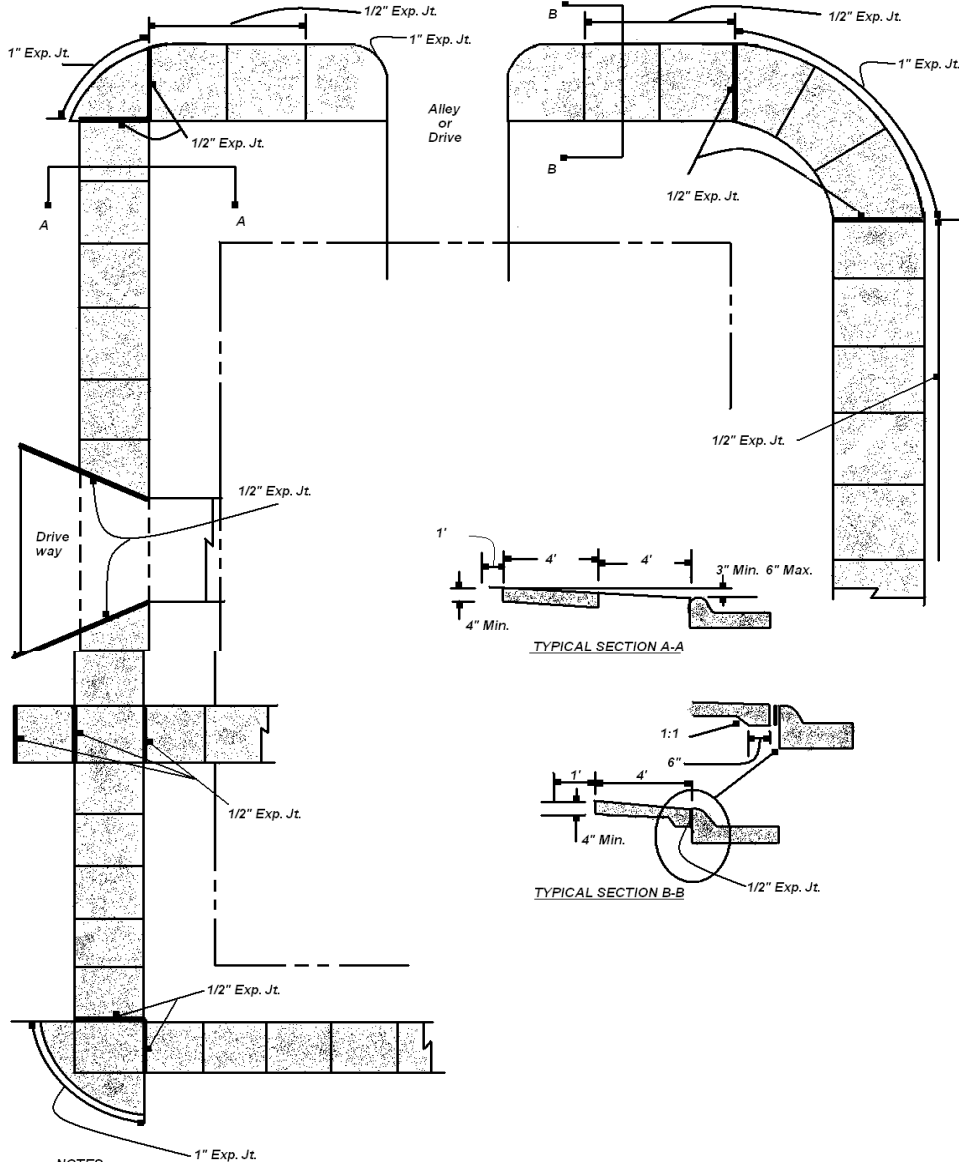
- (a) Sprinklers
- (b) 2" earth of sand covering (wetted)
- (c) Transparent membrane (brush or spray)
- (d) Poly-vinyl sheets

(12) Inspections: The property owner shall notify the Building Inspector after forms are set in place but before any concrete is poured and no concrete shall be poured until the forms set are inspected and approved.

i. Security. The applicant may select any method or combination of methods listed below to comply with required improvements:

(1) The applicant may install the required improvements before Board approval.

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NOTES:

1. One half inch expansion joints shall be placed in all sidewalks at intervals of not more than 24' and as shown where sidewalks butt against curb. If the sidewalk to be constructed is less than 24' in length one such expansion joint shall be placed as directed by the Building Inspector.
2. Sidewalk slope may be varied to suit existing conditions. Recommended minimum and maximum to be 1/4"/ft. and 1/8"/ft., respectively. Variations to suit extreme conditions to be as directed by the Building Inspector.
3. All sidewalks 4 feet or more in width shall be scored in panels no greater than 4 feet in length.
4. No sidewalk repair shall be less than one complete panel.
5. Use sealing filler in hot poured type, on all expansion joints.
6. Wheelchair Ramps, see Standard Plate DCBI - 5, shall be constructed at all points of entry.
7. Contraction joints shall be scored to a minimum depth of T/4, where T is the sidewalk thickness.
8. County Building Inspection is Required after Sidewalk is Formed and Before Placing Concrete. Phone 402-444-7189 for Inspector.

(2) The applicant may post a performance bond or certified check in the amount of 125% of the cost of the required improvements as estimated by a licensed engineer hired by the applicant and registered in the State of Nebraska and guaranteeing the installation of the improvements within 2 years after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements and certification by a licensed engineer hired by the applicant and registered in the State of Nebraska that all required improvements have been installed. Further, such period may be extended by the Board upon a showing by the applicant that lot sales and development does not warrant such installation. If the improvements are not completed within the specified or extended period of time, the performance bond shall be forfeited and used by the County to complete the installation of the improvements.

(3) A road improvement district or sanitary and improvement district (S.I.D.) may be created in accordance with appropriate State laws. Certified evidence shall be presented to the Board by the applicant that the improvement district has adopted a resolution of necessity and authorized a contract for the required work included in the final plat.

(4) There may be cases where either delayed improvements or exceptions to the required subdivision improvements are sought by the subdivider. In those cases, requests for exceptions to the required subdivision improvements must be made at the time of subdivision application submittal. Those requests will be presented to the Planning Commission and Board for review.

(5) If the Board approves a final plat for a portion of the area comprising the preliminary plat, the applicant may submit for final platting the next portion only if the required improvements have been installed or have been contracted to be installed. Subsequent applications for final platting shall be processed in the same manner.

G. Administrative Plats, Administrative Replats, Plat Vacations, Vacation or Abandonment of Public Roads, Replats and Administrative Boundary Changes

1. Administrative Plats, Administrative Replats and Administrative Boundary Changes Defined

- a. A lot line adjustment and lot consolidation as listed below are defined as administrative replats as the property involves platted parcels.
- b. A lot and parcel merger as listed below is defined as an administrative plat as the property involves both platted and un-platted parcels.

- c. A boundary change is defined as an administrative boundary change as the property involves only un-platted parcels.
- 2. For the purpose of this Section, property owners may be eligible to seek approval to adjust an interior lot line (lot line adjustment), combine two or more lots (lot consolidation), merge platted lots and un-platted parcels (lot and parcel merger), or have a boundary change processed without traversing the lengthy subdivision process, provided the following conditions are met:
 - a. Lot Line Adjustment. A lot line adjustment is defined as the adjustment of an interior lot line between two adjoining platted lots (lots in a platted, named subdivision), provided:
 - (1) The lots involved must have the same zoning and the proposed adjustment will not create a violation of the Zoning Regulation;
 - (2) The lots involved must be existing platted lots (lots in a platted, named subdivision); and
 - (3) No additional road right-of-way dedication is required by the County Engineer's Office. If additional road right-of-way dedication is required, the administrative replat – lot line adjustment, shall follow the requirements for a Replat as detailed elsewhere in this Section.
 - (a) As a lot line adjustment results in the same number of lots, it is not required (but encouraged) that the County's Conservation Design Regulations are followed.
 - b. Lot Consolidation. A lot consolidation is defined as the combination of two or more lots into a lesser number of lots, provided:
 - (1) The lots involved must have the same zoning and the proposed consolidation will not create a violation of the Zoning Regulation;
 - (2) The lots involved must be existing platted lots (lots in a platted, named subdivision); and
 - (3) No additional road right-of-way dedication is required by the County Engineer's Office. If additional road right-of-way dedication is required, the administrative replat – lot consolidation, shall follow the requirements for a Replat as detailed elsewhere in this Section.
 - (a) As a lot consolidation results in a lesser number of lots, it is not required (but encouraged) that the County's Conservation Design Regulations are followed.

c. Lot and Parcel Merger. A lot and parcel merger is defined as the combination of a platted lot or lots (lot or lots in a platted, named subdivision) with an adjoining un-platted parcel or parcels into the same or a lesser number of lots / parcels, provided:

(1) The lots / parcels must have the same zoning and the proposed merger will not create a violation of the Zoning Regulation;

(2) The lots involved are a mix of platted lots and un-platted parcels; and

(3) No additional road right-of-way dedication is required by the County Engineer's Office. If additional road right-of-way dedication is required, the administrative plat – lot and parcel merger shall follow the requirements for a Replat as detailed elsewhere in this Section.

(a) If a proposed administrative plat - lot and parcel merger involves a change of zoning, then the County's rezoning procedures shall be followed and the property shall be rezoned prior to a boundary change request being approved.

(b) As a lot and parcel merger results in the same, or a lesser number of lots / parcels, it is not required (but encouraged) that the County's Conservation Design Regulations be followed.

d. Boundary Change. A boundary change is defined as the adjustment of a property line between adjoining un-platted parcels of land which involves a change in the boundary between the properties, and does not create an additional parcel, provided:

(1) The properties involved must have the same zoning and the proposed new boundaries will not create a violation of the Zoning Regulation;

(2) The transaction must only involve un-platted parcels of real estate;

(3) A survey is not required;

(4) A written request must be made to the County Assessor on forms provided by the County Planning Department at which time zoning verification and planning jurisdiction shall be determined; and

(5) No road right-of-way dedication is required.

(a) As a boundary change results in the same or a lesser number of parcels, it is not required (but encouraged) that the County's Conservation Design Regulations are followed.

(b) If a proposed boundary change involves a change of zoning, then the County's rezoning procedures shall be followed and the property shall be rezoned prior to a boundary change request being processed.

3. Administrative Approval: The County Engineer, Planning and Zoning Coordinator and County Attorney shall have the authority to approve Administrative Plats and Administrative Replats - lot line adjustments, lot consolidations, lot and parcel mergers and boundary changes when in compliance with this Section. The County Engineer, Planning and Zoning Coordinator and County Attorney shall not approve requests for Administrative Plats and Administrative Replats if one or more of the following conditions are present:
 - a. The application would create multi-family lots from previously platted single-family lots;
 - b. The application would involve the vacation of any public right-of-way;
 - c. In the opinion of the County Engineer, Planning and Zoning Coordinator and / or County Attorney the application should be processed under a different section of the Zoning or Subdivision Regulations.
4. Application Procedures: An application for an administrative plat or administrative replat shall be submitted to the County Planning Department on forms provided by the Department and with the required application fee.
5. Survey Requirements for administrative plats and administrative replats:
 - a. An electronic version, in addition to three mylar and four paper original surveys, signed and sealed by a State of Nebraska Land Surveyor, shall be provided to the County Planning Department at the time of application.
 - b. Applicants will be provided with a sample survey format to follow. The survey shall show, but not be limited to, the following:
 - (1) The location and size of existing structures, including wells, septic tanks and drain fields (if known) and their distances to property lines. Also to be included are buildings on abutting properties within 50' of the new property lines being created.
 - (2) Signature spaces for: Surveyor's Certification, Owner's Certification (notarized), County Treasurer, County Engineer, County Attorney, and Planning and Zoning Coordinator.

(3) No administrative plat or administrative replat shall be filed until the County Treasurer has certified (by signature on the survey) that there are no regular or special taxes due or delinquent against the properties.

(4) The change to each lot / property resulting from the administrative plat or administrative replat.

(5) Legal description (including a metes and bounds description) of all properties plus the area involved in both square footage and acreage.

(6) A NOTE on the survey stating: New construction shall meet setback requirements of the Zoning Regulation.

(7) All easements of record.

6. Administrative Action

a. The County Engineer, Planning and Zoning Coordinator and County Attorney shall have the authority to approve or disapprove the request for an administrative plat or administrative replat. In event of disapproval, the County Engineer, Planning and Zoning Coordinator or County Attorney shall provide the applicant a written statement with the reasons for disapproval within 30 days of the application filing with the County Planning Department.

b. Upon filing with the County Register of Deeds, it is the applicant's responsibility to provide three filed copies of the administrative plat or administrative replat to the County Planning Department.

7. Appeal: Appeal of the County Engineer, Planning and Zoning Coordinator and / or County Attorney decision shall be taken to the Planning Commission for recommendation and then forwarded to the County Board of Commissioners for final action. Fees for an appeal are as listed for a variance by County Resolution.

8. Miscellaneous

a. Filing of a survey does not automatically transfer title to property. A deed must also be recorded to complete the transfer. It is the responsibility of the property owner(s) to verify that all relevant legal documents are filed.

b. Upon filing with the County Register of Deeds, it is the applicant's responsibility to provide one filed copy of the deed to the County Planning Department.

9. Vacation of Recorded Plats: All vacations of recorded subdivisions require consideration by the Planning Commission and referral to the Board. A vacation shall have the same requirements for application and consideration as a final plat (submission of preliminary plat is not required).
10. Vacation or Abandonment of Public Roads: The vacation of a public road or any portion of a plat containing a public road shall follow the process provided for by State Statute as administered by the Douglas County Engineer's Office.
11. Minor Survey or Drafting Errors: Minor survey or drafting errors in a recorded plat shall meet the requirements of the County Engineer's Office and the County Register of Deeds Office.

12. Replat

- a. For the purpose of this Section, a replat is defined as additional platting taking place within the boundaries of a plat, including the act of increasing the number of lots; changing the boundaries of an approved outlot or green space area; or changing the configuration of a platted street or public right-of-way; to achieve a reconfiguration of an existing subdivision without changing the outer boundaries of a subdivision. A replat cannot be used to expand the outer boundaries of a subdivision.
- b. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of a replat.
- c. A replat shall follow the requirements for application and consideration of preliminary and final plats

H. Filing Fees. Refer to general fee schedule for preliminary and final plat filing fees.

I. Request for layovers – Requests by the applicant for a layover of an application will require re-payment of the application fee if the request for layover is received after the public notice of the Planning Commission or County Board meeting has been published.

J. Landscape Guidelines

1. Tree Preservation, (pursuant to these Subdivision Regulations, Section E.1.g.)
 - a. For the purposes of these regulations, a "tree" is defined as a plant having at least one well-defined stem or trunk and normally attaining a mature height of at least 15 feet with an average mature spread of 15 feet*.

b. Tree canopy is estimated in square feet and this estimate should be indicated on the tree preservation plan submittal.

c. Applicant may request mitigation in lieu of maintaining the full 75% of existing tree canopy on the property. Mitigation ratio is 2:1. Tree replacement factor will be 500 square feet per tree.

(1) Example: If the area requiring mitigation is 2874 square feet, applying the 2:1 mitigation ratio means the applicant would be required to provide a new tree canopy area of 5748 square feet, (2874 square feet x 2). Dividing the 5748 by the tree replacement factor of 500 square feet per tree equals 11.5 trees. In this case, rounding up to 12 trees.

* “Tree” definition taken from APA PAS Report # 491/492. A Glossary of Zoning, Development, and Planning Terms.