

Stanton County, Nebraska

Subdivision Regulations

Adopted by Stanton County, Nebraska

April 14, 1998

- Resolution No. 743-98 -

Assisted by:

JEO & ASSOCIATES, Wahoo, Nebraska

STANTON COUNTY SUBDIVISION REGULATIONS

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STANTON COUNTY, NEBRASKA
SUBDIVISION REGULATIONS
Resolution No. 743-98

ARTICLE 1: INTENT AND PURPOSE

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

It is the intent and purpose of this Resolution to regulate the subdivision of land so as to obtain functional street layouts; so as to provide adequate sized lots which are in conformity with the highest and best use of the land; so as to provide for adequate open spaces for traffic, schools, recreation and air; so as to ensure the installation of adequate sized utilities and adequately improved streets; and so as to provide for other features of the Comprehensive Plan - all to the end that the development of land may proceed in an orderly manner with good livable neighborhoods, all of the needed community facilities, and with avoidance of excessive County maintenance expense.

ARTICLE 2: APPLICATION

~~Every owner of any lot, tract or parcel of land within Stanton County, Nebraska, 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 (except that the division of land shall not be considered to be subdivision when the smallest parcel of land created is more than ten (10) acres in area) shall submit a subdivision plat to the County Board in accordance with this Resolution and comply with all other provisions of this Resolution. These regulations shall not apply in a change in the boundaries between adjoining lands which do not create an additional lot. Amended May 4, 1999~~

The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, either for sale or lease for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of land establishing any street, alley, park or other property intended for public use or for 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 these regulations.

ARTICLE 3: DEFINITIONS

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in these Regulations. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is derivative, as the case may be. All words in the singular shall include the plural, and in the plural the singular. Each gender shall include the other. Each tense shall include the other tenses. The word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

Agent: Shall mean any person, group, corporation, partnership, or other entity representing the ownership of a tract of land.

Alley: A public right-of-way which is used primarily as a secondary means of access to the abutting property.

Block: A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted land, or a combination thereof.

Comprehensive Plan: Shall mean the County Comprehensive Development Plan of Stanton County, Nebraska, as adopted by the Planning Commission and the Board of County Commissioners in accordance with the laws of the State of Nebraska.

Cul-de-sac: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

County: Stanton County, Nebraska.

County Board: County Board of Commissioners of Stanton County, Nebraska.

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

Farm: Shall mean any parcel of land utilized for agricultural purposes and containing twenty (20) acres or more which produced one thousand dollars (\$1,000) or more of farm products each year.

Highway, Major Inter-Regional: Shall mean a "U.S." or "State" designated highway with one hundred (100) feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.

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

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

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot Line: Shall mean the property line bounding a lot.

Lot Line, Front: Shall mean the property line abutting a street.

Lot Line, Rear: Shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

Lot Line, Side: Shall mean any lot line not a front lot line or rear lot line, except in the case of a corner lot.

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

Lot of Record: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Stanton County, Nebraska.

Lot, Through: Shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

Lot Width: Shall mean the width of a lot measured at the front or rear building lines, whichever is greater and at right angles to its depth.

Minor Subdivision: any subdivision or land containing not more than four (4) lots on an existing improved road and not adversely affecting the remainder of the parcel or adjoining properties and not in conflict with any provision of the Major Street Plan, the Comprehensive Plan, the Zoning Ordinance or these regulations.

Monument: Shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

Outlot: Shall mean a lot remnant or parcel of land left over after platting. For which no building permit shall be issued for any occupied structure.

Planning Commission: Stanton County Planning Commission.

Plat: A map, drawing or chart on which the subdivider plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

Plat, Final: Shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

Plat, Preliminary: Shall mean the preliminary plan of the plat, subdivision or rededication prepared in accordance with the requirements of these regulations.

Road, Major Collector: Shall mean a County highway with eighty (80) feet right-of-way or more.

Road, Local: Shall mean a road primarily for service to abutting rural property. Used to expedite the safe movement of local county vehicular traffic.

Sidewalk or Walkway: shall mean that portion of a dedicated right-of-way or easement for pedestrian use only.

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

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

Streets, Major: Shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

Street, Minor: Shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.

Subdivider: Any person, firm, co-partnership, association or corporation dividing or proposing to divide land so as to constitute a subdivision.

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Subdivision: The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process or subdivision or to the land subdivided.

Waiver: The exception, variation or modification of requirements set forth in these subdivision regulations and granted by the Board of Commissioners after recommendation of the Planning Commission.

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

ARTICLE 4: PRELIMINARY PLAT

Section 1. General

Before any subdivider or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is wholly or partly within Stanton County and is not wholly within the corporate limits or extra-territorial jurisdictional limits of a City or Village exercising zoning and subdivision regulations, ~~the subdivider or his agent shall file a Preliminary Plat of said subdivision~~ (except that the division of land shall not be considered to be subdivision when the smallest parcel of land created is more than ten (10) acres in area) with the Stanton County Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of any grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in form suitable for recording. The Planning Commission shall determine whether the tentative plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The Street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area.

The subdivider shall prepare and submit to the County Planning Commission a preliminary plat together with an application form, receipt for platting fee and any other necessary supplementary information required by this Resolution. Amended May 4, 1999

Section 2. Supplementary Information

- A. Fourteen (14) copies of the preliminary plat at a scale of not less than one (1) inch equals one hundred (100) feet shall be filed with the Building Inspector at least two (2) weeks prior to a meeting of the Planning Commission at which consideration is to be given. It 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. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 3. Names and addresses of the developer and engineer, surveyor or land planner preparing the plat.
 4. North arrow (which shall be directed to the top or right side of the 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 (200) feet 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 fifty (50) feet thereof. Existing permanent buildings in the projected alignment of streets outside the proposed subdivision within two hundred fifty (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, floodplain, 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. If a zoning change is required, an application of such proposal must be filed with the Zoning Administrator and Planning Commission.
 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 streets, 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 surface storm drainage and sanitary sewer facilities.
 12. Statement describing proposed water supply system.
 13. Layout, numbers and approximate dimensions of lots.
 14. 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.
 15. Certificate for the approval of the Planning Commission (signed by the Chairman and attested by the Secretary).
- B. The County Planning Commission shall refer the preliminary plat to the County Surveyor for consideration and recommendation.
 - C. The Building Inspector shall transmit copies of the preliminary plat to County Surveyor, School District(s), Stanton County Health Department and each company or agency furnishing water, electric, telephone or gas service, and such other official body or agency as may be directed by the County Board.
 - D. The Planning Commission shall consider the preliminary plat and the recommendations of the County Surveyor and shall make its recommendations to the County Board of Commissioners. The subdivider, may at his option, submit the preliminary plat to the County Commissioners for their consideration at this time.
 - E. Following (1) review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and (2) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission, shall within thirty (30) days act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as "Conditional Approval" and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and the reasons therefore, with all such expressions to be in writing.
 - F. The action of the Planning Commission shall be noted on six (6) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be transmitted to the County Board for their review for conditional approval, recommended changes or rejection.
 - G. "Conditional Approval" of the Preliminary Plat shall not constitute approval of the Final Plat (subdivision plat). Rather it shall be deemed an expression of approval of

the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat which

will be submitted for approval of the Planning Commission for recommendations as to appropriate action by the County Board.

- H. If neither a part nor all of the preliminary plat is submitted for final approval within one (1) year after preliminary plat approval, the preliminary plat shall be void unless an extension is granted by the Planning Commission or County Board.
- I. Every plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Resolution rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one-year period.
- J. The applicant or their representative shall appear at a regular Planning Commission meeting with preliminary plans for the use of the property and present their request for the platting of land. The Applicant shall be prepared to outline the scope and character of the proposed project. In order to provide sufficient information for the Planning Commission to understand the proposed preliminary plat, the Applicant shall be prepared to furnish the following type of information upon request:
 - 1. A preliminary statistical summary of the project, including the gross site acreage, the number of lots, the dedicated street width, and the acreages devoted to other related or specific uses, including recreation areas.
 - 2. Written statements, standards, or opinions from other sources and governmental agencies concerning the subdivision in the following areas:
 - a) In flood plains: U.S. Army Corps of Engineers, Nebraska Department of Natural Resources, and the National Flood Insurance Agency
 - b) When septic tanks or sewage treatment facilities are planned: Nebraska Department of Environmental Quality, Soil Absorption Rates, the Nebraska Department of Health, and Stanton County Health Department
 - c) Potable water: Professional well driller's test well data, Nebraska supply: Department of Health, Natural Resources District and Stanton County Health Department
 - d) Access from federal primary and secondary highways: Nebraska Department of Roads
 - e) Industrial tracts: Nebraska Department of Environmental Quality on air, sound, water qualities, and including waste disposal and waste treatment, and Nebraska Department of Health

ARTICLE 5: FINAL PLAT

Section 1. General

After approval of the preliminary plat by the Planning Commission and County Board, the subdivider shall prepare and submit to the Planning Commission and County Surveyor a final plat prepared by a registered engineer for recording purposes, including:

- A. A preliminary sanitary sewer plan if sanitary sewer is available by gravity flow, as provided herein.
- B. A preliminary surface storm drainage plan within the subdivision with sufficient data to determine the feasibility of the drainage system as proposed by the subdivider.
- C. A street profile plan with a statement of proposed street improvements.
- D. Fourteen (14) copies of the final plat shall be submitted to the Planning Commission as follows: The original tracing or acceptable substitute and two prints which shall bear the original signature on the required certificates; and twelve (12) unsigned paper prints. They shall be filed at least two (2) weeks prior to a regular meeting of the Planning Commission.
- E. 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 ten (10) 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. Prior to submission of the final plat to the County Board, the County Surveyor shall certify that all improvements required by this Resolution have been installed or satisfactorily arranged for.

Section 2. Supplementary Data

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. Legal description of the subdivision by boundary survey. The allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000).
- C. The exact location and layout of lots, streets, alleys and other public ground, with accurate dimensions in feet and hundredths, 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. Two copies of any private restrictions or covenants affecting the subdivision or any part thereof.
- G. Certificate signed by a registered land surveyor, which contains 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 plat itself. Said certificates shall state that a ground survey has been made and that either the monuments have been placed as shown on the plat or that the bond required by Article 8 has been duly furnished to the County.

- H. Certificate signed by a registered engineer that they have prepared the final plat and had designed the improvements to be made in accordance with the Regulations.

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- I. 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.
- J. Certificate of notification signed by the School Board President of the School District in which the subdivision is located.
- K. Certificate to be signed by the County Treasurer stating there are not regular or special taxes due or delinquent against the property described in the plat on the date which the plat is recorded by the Register of Deeds.
- L. Certificate signed by the County Surveyor and County Highway Superintendent approving the plat.
- M. A Certificate for the approval of the Planning Commission to be signed by the Chairman.
- N. Certificate for the approval of the County Board to be signed by the Chairman and attested by the County Clerk.

ARTICLE 6: LOT SPLIT CERTIFICATE AND CHANGE OF LOT BOUNDARY

Amended May 4, 1999

Section 1. General

~~The intent of this section is to provide for the division of lots into not more than two (2) tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The County Planning Commission and County Board may approve or disapprove lot splits in accordance with the following regulations:~~

- A. ~~An application for a lot split certificate shall be made by the owner of land to the County Planning Commission at least fourteen days (14) prior to a Planning Commission meeting. The original (mylar) and ten (10) copies of a survey prepared by a licensed surveyor showing the lot split and the remaining forty (40) acres (quarter of a quarter section) or eighty (80) acres (half of a quarter section), depending upon the zoning district, together with the location of all structures and the information required under Article 5, (2) (A), (B), (C), (D), (E), (F), (H), (J), (L), and (M), shall accompany the application. Written notice shall be given to the school district having jurisdiction at least ten (10) days from the date when the Planning Commission received the request. The survey shall also contain a location map at a scale of as least one (1) inch equals five hundred (500) feet and a legal description of the tract owned both indicating exactly from which forty (40) acres, or eighty (80) acres, the lot split is to be removed.~~
- B. ~~Approval or disapproval of lot splits shall be made by the County Board based on the following guidelines:~~
- ~~1. Recommendation to approve or disapprove by the County Planning Commission, following review and comments from the School District having jurisdiction in the area of such proposed action. Should there be no response from the school district prior to the Planning Commission meeting, the Planning Commission shall assume approval of the lot split by the school district.~~
 - ~~2. The County Planning Commission and/or the County Board may make such additional requirements as deemed necessary to carry out the intent and purpose of existing zoning regulations and policy. Requirements may include, but not be limited to, dedication of easements, and submission of covenants for the protection of other landowners in the adjacent tracts of land.~~
- C. ~~Disapproval of lot splits shall be made if:~~
- ~~1. A new street or alley is needed or proposed.~~
 - ~~2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.~~
 - ~~3. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, county roads, etc.; or will interfere with maintaining existing service levels.~~
 - ~~4. If such lot split will result in a tract without direct access to an improved street or county road.~~
 - ~~5. A substandard-sized lot or parcel will be created.~~
 - ~~6. If the lot has been previously split in accordance with these regulations and the zoning regulations.~~

~~7. If, as a result of allowing the split, there would be more than two parcels of land with more than one residence within the surrounding quarter of a quarter section (40 acres or less) or half of a quarter section (80 acres), depending upon the zoning district so located.~~

~~D. The County Planning Commission and County Board shall, in writing, either approve with or without conditions or disapprove the lot split. The Planning Commission and County Board shall sign a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds.~~

~~E. The filing fee for a lot split certificate shall be twenty five dollars (\$25.00).~~

Section 2. Lot Split

The intent of this section is to provide for the division of lots into not more than two (tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. Lot splits may be approved or disapproved in accordance with the following regulations.

A. An application for a lot split certificate of ten (10) acres or less shall be made by the owner of land to the County Planning Commission at least fourteen (14) days prior to a Planning Commission meeting. The original (mylar) and ten (10) copies of a survey prepared by a licensed surveyor showing the lot split and the remaining forty (40) acres (quarter of a quarter section) or eighty (80) acres (half of a quarter section), depending upon the zoning district the split is located, together with the location of all structures and the information required under Article 5, Section 2A,B, C, D, E, G, I, K, M and N, shall accompany the application. Written notice shall be given to the school district having jurisdiction at least ten (10) days from the date when the Zoning Administrator received the request. The survey shall also contain a location map at a scale of at least one (1) inch equals five hundred (500) feet and a legal description of the tract owned both indicating exactly from which forty (40) or eighty (80) acres, the lot split is to be removed. The location map shall indicate the location of all accesses to the forty (40) or eighty (80) acre tract from streets or roads.

B. An application for a lot split certificate over ten (10) acres shall be made by the owner of land to the County Zoning Administrator. A survey, drawn on paper no larger than 11" x 17" prepared by a licensed surveyor showing the lot split and the remaining forty (40) acres (quarter of a quarter section) or eighty (80) acres (half of a quarter section), depending upon the zoning district the split is located, together with the location of all structures. All lot splits that are lying within two or more quarters of a quarter section shall show the area in each quarter of a quarter. The application shall be accompanied by a list, certified by a registered abstractor of the names and addresses of all persons who have ownership in the property involved, the information required under Article 5, Section 2A,B, C, D, E, G, I and K, and an Administrator's Certificate. Written notice shall be given to the school district having jurisdiction at least ten (10) days from the date when the Zoning Administrator received the request.

The survey shall also contain a location map at a scale of at least one (1) inch equals five hundred (500) feet and a legal description of the tract owned both indicating exactly from which forty (40) or eighty (80) acres, the lot split is to be removed. The location map shall indicate the location of all accesses to the forty (40) or eighty (80) acre tract from streets or roads.

C. Approval or disapproval of lot splits shall be made based on the following guidelines:

1. Recommendation to approve or disapprove lot splits of ten (10) acres or less to the County Board by the County Planning Commission, following review and comments from the School District having jurisdiction in the area of such proposed action. Should there be no response from the school district prior to the Planning Commission meeting, the Planning Commission shall assume approval of the lot split by the school district.

2. The Zoning Administrator may approve or disapprove lot splits over ten (10) acres following review and comments from the School District having jurisdiction in the area of such proposed action. Should there be no response from the school district within fourteen (14) days of the completed application, the Zoning Administrator shall assume approval of the lot split by the school district.

3. The Zoning Administrator, County Planning Commission and/or the County Board may make such additional requirements as deemed necessary to carry out the intent and purpose of existing zoning regulations and policy. Requirements may include, but not limited to, dedication of easements, and submission of covenants for the protection of other landowners in the adjacent tracts of land.

D. Disapproval of lot splits shall be made if:

1. A new street or alley is needed or proposed.

2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.

3. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, county roads, etc.; or will interfere with maintaining existing service levels.

4. If such lot split will result in a tract without direct access to an improved street or county road, or such split will result in the loss of direct access from a street or road to the remainder of the designated forty (40) or eighty (80) acre tract.

5. A substandard-sized lot (non-conforming) or parcel will be created.

6. If the lot has been previously split in accordance with these regulations and the zoning regulations of Stanton County.

7. If, as a result of allowing the split, there would be more than two (2) parcels of land with more than one (1) residence within the surrounding forty (40) acres (quarter of a quarter section) or eighty (80) acres (half of a quarter section), depending upon the zoning district so located as set forth in the Zoning Regulations of Stanton County.

E. The County Planning Commission and County Board or Zoning Administrator (depending on size of lot split) shall, in writing, either approve with or without conditions or disapprove the lot split. The Planning Commission and County Board or Zoning Administrator (depending on size of lot split) shall sign a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds.

F. At the request of the applicant, a lot split of any size shall be reviewed by the Planning Commission. The Zoning Administrator shall sign the lot split certificate if

directed to do so by the majority of the members present of the Planning Commission.

- G. The filing fee for a lot split application shall be twenty-five dollars (\$25.00).

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- H. Administrator's Certificate:

The foregoing plat and instrument was approved by the Stanton County Zoning Administrator on this _____ day of _____, _____.

Section 3. Change of Lot Boundary

The change in lot boundary may be granted by the Zoning Administrator of Stanton County without a subdivision plat and approval by the County Planning Commission and the County Board as outlined in the following subsections:

- A. A proposed change in lot boundary may be approved without a subdivision plat thereof, if the change is solely for the purpose of establishing or changing the boundary of a public way.
- B. A proposed change in boundary may be approved without a subdivision plat thereof, if the boundary change consists of a change between two (2) adjoining lots on one (1) or both of which is or are situated, a building or buildings which do not comply with the minimum setback requirements of these regulations; provided, a change of boundary as set forth above shall not be approved, unless the Zoning Administrator, Planning Commission and County Board shall find that the owner or owners of the lot or lots at the time when construction of the building or buildings was or were commenced did not have knowledge of the noncompliance, or of facts that should have put the owner or owners on notice to inquire in regard thereto.
- C. A proposed boundary change may be approved without a subdivision plat thereof, if the change consists of the division of three (3) adjoining approved lots or platted lots being platted into two (2) adjoining lots.
- D. A proposed boundary change may be approved without a subdivision plat thereof, if the change is for the purpose of making lawful the conveyance of a part of a lot, block, or tract of land which would otherwise be nonconforming with these regulations, so long as the boundary change does not create or result in the creation of a nonconforming lot or lots.
- E. A proposed boundary change may be approved without a subdivision plat, thereof, if the change is for the purpose of making lawful the conveyance of a part of a lot, block, or tract of land which would otherwise be nonconforming, where the acquisition or conveyance of such part of a lot, block, or tract of land which would otherwise be nonconforming, where the acquisition or conveyance of such part of a lot, block, or tract of land was necessary by problems arising in the construction of a building on adjoining property and where the Zoning Administrator, Planning Commission and County Board find that the problems arising in the construction of the building could not have been reasonably anticipated before commencement or construction.
- F. Any proposed change made before the Adoption of these Regulations, as set forth above, is hereby approved.

- G. Any boundary change as set forth in subsections A-E above shall not become effective until a survey and plat thereof made by registered surveyor, showing both the previous and proposed new boundaries, is delivered to and approved by the Zoning Administrator for those changes set forth in subsections A, C, and D above and by the County Planning Commission and County Board for those changes set forth in subsections B and E above, whichever is applicable. At the time said survey and plat is delivered to the Zoning Administrator, warranty or quit claim deed and real estate transfer statement shall also be delivered to said Zoning Administrator properly

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executed and filled in whereby the conveyance of the part of the lot, block, or tract of land shall be completed upon its filing with the register of deeds. The Zoning Administrator shall, at the time of the delivery of the survey, plat and warranty or quit claim deed, collect a filing fee for such boundary change of twenty-five dollars (\$25.00).

- H. The survey prepared by a licensed surveyor, as set forth above, shall be on an eleven (11) by seventeen (17) inch sheet(s) of paper, be drawn to a scale of not less than one (1) inch equals one hundred (100) feet; show the direction north by an arrow; reflect all adjoining streets, alleys, and public ways; show any existing buildings or structures on the lot, block, or tract of land being changed; show the number of square feet of all lots, blocks, or tracts of land, including the area of the parcel being conveyed by the warranty or quit claim deed; and refer to the specific subsection A-E of this section that the boundary changes is being submitted under.

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ARTICLE 7: MINIMUM DESIGN STANDARDS

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

Section 1. General:

Land within the proposed subdivision which the County Board finds to be unsuitable for subdividing due to flooding or bad drainage or other topographic features likely to be harmful to the health, safety, or general welfare 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.

Section 2. Streets and Alleys:

- A. 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 provisions shall be made for future connections to adjoining unsubdivided tracts.
- B. 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 one hundred (100) feet.
- C. Where a proposed subdivision is adjacent to or contains an existing or proposed major or controlled access thorough-fare, 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.
- D. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of those regulations or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.
- E. Under normal conditions streets shall be laid out 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.
- F. Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.

- G. 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:

<u>Type</u>	<u>R.O.W.</u>	<u>Pavement</u>	<u>Grade</u>	<u>Minimum Sight Distance on Vertical Curves</u>
Major Streets	*100N	44N**	6%	400N
Marginal Access Streets	40N	30N	8%	300N
Collector Streets	*70N	40N**	10%	300N
Minor Streets	60N	30N	10% Aver.	300N
Alleys	20N	12N Res. 20N Com	No Max.	None
Cul-de-sac Streets	60N	30N	10% Aver.	200N

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

** The developer shall not be responsible for providing pavement wider than 30 feet.

- H. The horizontal alignment on all streets except in unusual cases shall be as follows:

Radii of horizontal curves

Major Streets 700N Minimum

Collector Streets 300N Minimum

Minor Streets 100N Minimum

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

Section 3. Blocks:

Except in unusual circumstances the length of blocks shall not be less than six hundred (600) feet and not greater than one thousand three hundred twenty (1,320) feet.

Section 4. Lots:

- A. If served by public sewer and water, 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 one hundred (100) feet, but in no case shall the minimum lot area be less than six thousand (6,000) square feet.
- B. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, the preliminary plat shall be prepared on the basis of minimum two (2) acre lots; or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of a minimum one half (2) acre lots provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

- C. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit his Preliminary Plat on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a highwater table or if soil conditions prove to be unsuitable based on percolation tests.
- D. Corner lots for residential use shall have additional width to permit building setbacks as required by the zoning regulations.
- E. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- F. Every lot shall abut and have access to a public street/road.
- G. Double frontage lots shall be avoided except where they back upon a major street.
- H. Setback or building lines may be required and indicated on all lots but shall not be less than the setback required by the Zoning Regulations.

Section 5. Easements:

- A. Easements on rear of side lot lines shall be provided for sanitary sewers and utilities where necessary and shall be a total of at least ten (10) feet wide.
- B. 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 waterflow and maintenance operations.

Section 6. Public Sites and Open Spaces:

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

Nebraska Statutes for proceeding under the power of eminent domain, or by negotiations with the owners of the property.

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ARTICLE 8: IMPROVEMENTS

Section 1. General:

In as much as the primary purpose of subdividing land is to create residential building sites, commercial or industrial building sites and in as much 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 date approved by the County Board certain, required improvements as follows:

Section 2. Staking:

The following described monuments shall be installed before the County Surveyor 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 Stanton County before the County Surveyor shall certify to the County Board that required improvements have been satisfactorily arranged for:

- A. The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than two inches in diameter and extending at least thirty (30) inches below grade.
- B. Lot corners, all points of curvature, points of tangency and other points not required to be marked by Article 7 shall be monumented by iron rods or pipes not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.

Section 3. Street Grading:

All full width streets located entirely within the boundary of the subdivision, except major and collector streets as noted in Article 6 hereof, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade as established by the County Surveyor. 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 Stanton County before the County Surveyor shall certify to the County Board that required improvements have been satisfactorily arranged for. See Article 9 and 10.

Section 4. Street Surfacing:

The streets shall be paved or hard surfaced including curbs and gutters in accordance with street improvement and paving standards and regulations approved by the County Board.

Section 5. Sanitary Sewer:

Where a sanitary sewer is accessible by gravity flow within five hundred (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 five hundred (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 five hundred (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 (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.anton County Subdivision Regulations

Section 6. Storm Sewers or Drainage Ways:

The developer shall at his option provide either storm sewers or drainage ways within the subdivision subject to approval by the County Board as to adequacy, with a recommendation by the County Surveyor.

Section 7. Water Mains:

The subdivision shall be provided with an adequate water main supply system which shall be connected to an approved water supply system. The location of fire hydrants shall be shown on the water utility plan. If a central supply system is approved and used, there shall be a water storage reservoir with the amount of gallons to be prescribed by the County Engineer.

Section 8. Sidewalks:

Four (4) foot sidewalks may be required by the County Commissioners on major and collector streets.

Section 9. Land Preparation:

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the County or as approved by the County Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, his successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses than must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, the subdivider, his successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine (9) months after completion of the sediment basins and shall be permanently maintained by the subdivider or his successors and assigns.

Section 10. Preservation of Land:

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The Planning Commission may prepare a list of all such features within its Area of Planning Jurisdiction which it deems worthy of preservation.

Section 11. Compliance

The developer may select any method or combination of methods listed below to comply with the street surfacing, sanitary sewer, storm drainage and sidewalk requirements:

- A. They may install the required improvements before County Board approval.

- B. They may post a performance bond or certified check in the amount of one hundred percent (100%) of the cost of the required improvements as estimated by the County Surveyor guaranteeing the installation of the improvements within three (3) years Stanton County Subdivision Regulations

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after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements and approval thereof by the County Surveyor. Further, such period may be extended by the County Board upon a showing by the developer that lot sales and development do 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.

- C. If the developer does not comply with Section 9 (A) or (B) hereinabove stated, they shall select any method or combination of methods listed below to comply with the street, surfacing, sanitary sewer, storm drainage and sidewalk requirements.
1. A road improvement district or sanitary and improvement district may be created in accordance with appropriate State laws. However, the County Surveyor shall not certify to the County Board that required improvements have been satisfactorily arranged for until certified evidence is presented that the improvement district has adopted a resolution of necessity authorizing a contract for the required work in that portion of the district included in the final plat.
 2. They may execute a written agreement with the County providing:
 - a) That they will install all required improvements to serve all sold and closed lots in the subdivision not later than twelve (12) months following the date when fifty percent (50%) of the lots in the subdivision have been sold and closed; provided that they will in all events, install all required improvements to serve all sold and closed lots in the subdivision not later than three (3) years after recording of the plat even though fifty percent (50%) of the lots in the subdivision may not have yet been sold.
 - b) The developer will make the above covenant a minimum provision in each contract of sale with his lot purchasers, which contract shall be enforceable by the County and by all lot purchases. It is further provided however, that the Building Inspector shall not issue permits for construction of buildings or structures on any lot in said subdivision until said written agreement with the County is executed. It is further provided that the County Board shall have the right to limit the size of the final plat if the area of the tentative plat is more than ten (10) acres.

Section 12. Subsequent Plats

It is further provided, however, that after the County Board has approved the final plat for a portion of the area comprised in the tentative plat, the developer may submit for final platting the next portion only if the required improvements have been installed or

have been contracted for as above provided in the portion comprised in the final plat theretofore approved. Subsequent application for final platting shall be processed in the same manner.

ARTICLE 9: FILING FEE

Section 1. Preliminary Plat

There shall be a filing fee of \$50.00 plus \$1.00 per lot in excess of 5 lots.

Section 2. Final Plat

There shall be a filing fee of \$50.00 plus \$1.00 per lot in excess of 5 lots.

Section 3. Minor Subdivision *added April 2003*

There shall be a filing fee of \$50.00.

ARTICLE 10: HEARING

Prior to approval of a preliminary plat and final plat by the Planning Commission and of a preliminary and final plat by the Board, a public hearing shall be held, notice of which shall be published in the official newspaper not less than ten (10) days prior to the public hearing.

ARTICLE 11: WAIVERS**Section 1. General**

Where by reason of special conditions and circumstances which exist that are peculiar to a specific piece of property at the time of the enactment of these Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property, the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a waiver from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any resolution. The County Board shall have power to grant a waiver under these Regulations when it finds that:

- A. The strict literal application of the ordinance would produce undue hardship and would deprive the applicant of rights commonly enacted by other properties in the same zoning district under the terms of the Regulation.
- B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- C. The authorization of such waiver will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the waiver.
- D. The granting of such waiver is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice;
 1. That the special conditions and circumstances do not result from the actions of the applicant; and
 2. The granting the waiver requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

Section 2. Waiver for Minor Subdivision *added April 2003*

1. The subdivider may make application and the county may grant a waiver of some or all of the requirements provided herein where the following conditions exist:
 - a) the subdivisions will contain no more than four lots
 - b) each new lot meets the minimum lot size requirements for the current zoning district

- c) the proposed subdivision shall be platted on existing (open and public) roads
- d) development of the subdivision will not increase erosion or create a flooding potential
- e) the development of the subdivision will not be a detriment to the adjoining properties or to the character of the district

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2. Minor Subdivisions shall be filed with the County Zoning Administrator. After public hearings it may be approved by the County Board after receiving a recommendation by the Planning Commission.

3. The Planning Commission and/or Governing Body may make such additional requirements or waive existing requirements at its discretion.

ARTICLE 12. AMENDMENTS

The County Board may amend these Regulations from time to time provided, however, that such amendments shall not become effective until a public hearing and a recommendation from the Planning Commission is received and a public hearing by the County Board has been held as required by law.

ARTICLE 13: ENFORCEMENT

Section 1. Restrictions

No plat of any subdivision with the application of this Resolution 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 these Regulations.

Section 2. Transfer of Land

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 this Resolution unless said plan, plat or replat shall have first been approved as prescribed by this Resolution and filed and recorded in the office of the Register of Deeds.

Section 3. Required Permit

- A. No permit 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 these Regulations or which has not been approved or recorded in accordance with the provisions of this Resolution.
- B. No officer or employee of Stanton County shall issue any building permit, make any water or sewer connection or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed, on land subdivided contrary to the provisions of these Regulations. No person, employee, or his agent of any utility company shall make any utility connections or issue any order for utility connections for any buildings or buildings constructed or proposed to be constructed without a building permit first being issued by Stanton County.

ARTICLE 14: PENALTY

Any person, firm, co-partnership, association or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not to exceed five hundred dollars (\$500). The sale of each and every lot sold in violation of this Resolution shall be considered a separate violation.

ARTICLE 15: 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 Resolution, 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 or any other section, subsection, paragraph, sentence, clause, phrase, provision or part or portion of this Resolution.

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**ARTICLE 16: REPEAL OF CONFLICTING RESOLUTIONS:
EFFECTIVE DATE**

The Subdivision Regulations for Stanton County, Nebraska, passed by the Stanton County Board of Commissioners on June 17, 1985, together with any subsequent amendments is hereby repealed. Further, all resolutions or parts of resolutions in conflict with these subdivision regulations, or inconsistent with these provisions, are hereby repealed, except any resolutions that impose more restrictive regulations than are imposed herein. These regulations shall be in full force and effect, upon its due passage as required by law.

These Subdivision Regulations are hereby approved and adopted this 14th day of April, 1998

Chairman, Board of Commissioners

ATTEST: _____
Stanton County Clerk

