

Subdivision Chapter
of the
Land Development Ordinance
for the
City of Fort Calhoun

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November 16, 2006
(Revised March 15, 2010)

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1

ARTICLE ONE: GENERAL PROVISIONS

101 Title

Chapter Eight, Article Six of the Fort Calhoun Municipal Code shall be known as the Subdivision Chapter of the Land Development Ordinance of the City of Fort Calhoun.

102 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Fort Calhoun under the Revised Statutes of Nebraska, 1943, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

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

103 Relationship to the Comprehensive Development Plan

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

b. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Development Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Fort Calhoun's Capital or General Fund Budget.

104 Jurisdiction and Applicability

a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Fort Calhoun and its one-mile extraterritorial jurisdiction as provided by the Revised Statutes of Nebraska, 1943.

b. No owner of real property within the City of Fort Calhoun and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

105 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

106 Fees

The City Council of the City of Fort Calhoun shall establish fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

107 Enforcement

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

108 Penalties

a. Violation and Penalty

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or be imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case.

2. An owner, developer, or subdivider of property may each be found guilty of a separate offense and suffer the penalties provided in this section.

3. Notwithstanding this section, the City and the Planning Commission shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

109 Interpretation, Conflict, and Severability

- a. The Subdivision Chapter of the Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Chapter conflicts with any other provision of the Land Development Ordinance, any other Ordinance of the City of Fort Calhoun, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Fort Calhoun's Land Development Ordinance.

110 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful actions of the municipality except as shall be expressly provided for in these regulations.

2

ARTICLE TWO: DEFINITIONS

201 Purpose

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

202 Definitions of Terms

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

203 A

1. Administrative subdivision: A subdivision of land which creates no more than three lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements.
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The Planning Commission and City Council of the City of Fort Calhoun or its designee.
6. ASCE: The American Society of Civil Engineers.

204 B

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.
3. Building Official: The designee of the City of Fort Calhoun, responsible for the supervision and administration of the International Building Code or any other locally adopted building code.

1. **Cartway:** The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from the face of the curb line to the face of the curb line. On streets without curbs, the cartway is measured from the edge of the surface to the edge of the surface of the opposite curb.
2. **Centerline Offset:** The distance between the centerline of roads intersecting a common road from the same or opposite sides.
3. **Channel:** The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
4. **Cluster:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
5. **Cluster Subdivision:** Cluster Subdivision: a wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space
6. **Common Open Space:** Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
7. **Comprehensive Plan:** The Comprehensive Development Plan of the City of Fort Calhoun.
8. **Concept Plan:** A preapplication presentation, which includes the minimum information necessary, as determined by the Planning Commission, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
9. **Conventional Subdivision:** A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
10. **Creative Subdivision:** A subdivision which, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Conservation Subdivisions and Traditional Neighborhood Districts.
11. **Cul-de-sac:** A local street or private way having one end connecting with a public street terminated at its other end by a vehicular turnaround.
12. **Curb:** A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

206 D

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design standards: Standards that set forth specific improvement requirements.
3. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal or beneficial owner(s) or authorized agent of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.
7. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
8. Drainage system: The storm sewer system or natural site drainage plan through which water flows from the land.

207 E

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

208 F

1. Final Plat Approval: The final official action of the City Council, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision plat with the Washington County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Plat Approval follows the completion of detailed engineering plans, negotiation of subdivision and/or development agreements, posting of required guarantees, and other requirements of this Ordinance.
2. Frontage: The length of a property line of any one parcel of land abutting and parallel to a public street, private way, or court.

209 G

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

210 H

211 I

212 I

213 K

214 L

1. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Washington County Register of Deeds. Each individual lot is subject to the provisions of a particular Base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Creative Subdivision. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these Zoning Regulations.

(a) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or of at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

(b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts or combination thereof. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front lot line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot)

(c) Interior Lot: A lot other than a corner lot.

2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.

3. Lot Consolidation: An application which combines two (2) or more pre-existing platted lots into a lesser number of lots.

4. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.

5. Lot Frontage: The portion of a lot extending along a street line.

6. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street rights-of-way or easement.

(a) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.

1) For an interior lot, the lot line separating the lot from the right-of-way.

2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Planning Commission, or as may be noted on a final plat.

3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Planning Commission, or as may be noted on a final plat.

(b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

7. Lot Line Adjustment: An application that makes a minor change in the boundaries of a pre-existing platted lot or lots, without creating additional building sites.

8. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

215 **M**

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.

2. Major subdivision: Any subdivision not defined and approved as an administrative subdivision.

4. Moving lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

216 **N**

217 **O**

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.

2. Open space: Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

3. Outlot: A portion of a subdivision intended and 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.

218 **P**

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.

3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Washington County Register of Deeds.

(b) Final Plat: The final map of the subdivision which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the Register of Deeds.

219 R

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.
2. Rural Subdivisions: A residential subdivision located more than one-half mile past the corporate limits but within the one mile planning jurisdiction of the City; or outside of areas designated for future urban development by the Comprehensive Plan.

220 S

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 - a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 - (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 - (c) Lateral or local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic system: An underground sewage treatment system, utilizing a watertight septic tank to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot. Septic systems shall be in conformance with NDEQ Title 124.
3. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.
5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
6. Street Channel: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the street channel is measured from back of curb to back of curb. On streets without curbs, the street channel is measured between the outside edges of the established road surface.
7. Street hierarchy: The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from plazas, private ways, courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:
 - (a) Local
 - (b) Collector

(c) Arterial

8. Subdivision: The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to ten acres or less.

221 I

222 U

1. Urban Subdivision: A residential subdivision located within the corporate limits of the City of Fort Calhoun or less than 1/2 mile from such corporate limits; or within an area designated for future urban development by the Comprehensive Plan.

223 V

224 W

225 X

226 Y, Z

3

ARTICLE THREE: PROCEDURES AND ADMINISTRATION

301 Purpose

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

302 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used to adjust an interior lot line or combine two or more lots being replatted providing the following conditions are met:

1. In the case of an Administrative Lot Line Adjustment:
 - (a) The lots involved must be designated within the same zoning district and the proposed adjustment will not create or result in a violation of the zoning ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The adjustment alters lot lines of no more than three lots without creating additional lots.
2. In the case of an Administrative Platting or Lot Consolidation:
 - (a) The lots involved must be designated within the same zoning district and the proposed platting or lot consolidation will not create or result in a violation of the zoning ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The lots must be under unified ownership.
 - (d) The proposed platting creates no more than three lots, or the proposed consolidation consolidates no more than four lots into a lesser number of lots.
3. A lot is limited to only one instance of administrative adjustment, platting and/or consolidation.
4. Each lot of the proposed subdivision is served by public streets, utilities, and other public improvements.
5. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance.

b. Application and Approval Procedure

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

1. The applicant submits an application on a form established by the Planning Commission and including the supporting documents required for Administrative Subdivisions in Table 3- 1. These documents shall include a replat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. If the parcel(s) have structures on them, an as built survey must also be submitted. The application must be filed, and all plans must be submitted, at least fourteen (14) days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. (Amended - Ordinance 595)
2. Following submission, the Planning Commission and City Engineer shall review each application according to the following criteria:
 - (a) Compliance with the conditions contained in Section 302(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Fort Calhoun.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
3. Following such review, the Planning Commission may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval which must be filed along with the replat with the Washington County Register of Deeds.
4. The Planning Commission retains the right to disapprove on the Administrative Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
5. Following approval of an Administrative Subdivision, the subdivider must file the replat and certificate of approval with the Washington County Register of Deeds. If the approved replat is not filed within 90 days of approval by the Planning Commission, such approval shall be null and void.
6. The City Clerk shall keep a complete and accurate record of all administrative subdivision approvals.

303 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative Subdivision procedures. In general, these include subdivisions that: 1) are not approved under the Administrative Subdivision procedure; 2) create more than three lots; 3) require development or extension of public improvements.

b. Stages in the Approval Process

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

c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with designated representatives of the Planning Commission and the City Clerk, regarding general requirements and issues relating to the proposed subdivision.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
 - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. Within twenty working days, the Planning Commission, or their designee, shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance.
4. The pre-application conference does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file 15 copies of a proposed preliminary plat. The application for preliminary plat approval shall be submitted to the City Clerk at least 30 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Planning Commission; the supporting documents required for Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision and/or development agreement, following a format established by the Planning Commission. The subdivision or development agreement establishes the mutual responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision.

3. Preliminary Plat Approval Procedure

- (a) After submission of a complete application for a preliminary plat, the Planning Commission shall review the application. As part of the review, the Planning Commission will circulate the application to the City Engineer, local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Planning Commission within a pre-established period.

(b) The Planning Commission may give approval, give conditional approval, or deny the preliminary plat. In addition, the Commission may delay action on the application in order to resolve outstanding issues.

(c) The Planning Commission, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues.

(d) Following action by the Planning Commission, the Chairman of the Commission shall transmit a written recommendation summarizing the Commission's action to the City Council.

(e) The City Council, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application.

(f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

(1) The general terms and conditions under which the plat was approved will not change.

(2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

(3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the Planning Commission. The Planning Commission may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

(4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 20 lots or 20% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the Planning Commission.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been granted by the Planning Commission. The application for final plat approval shall be submitted to the City Clerk at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Planning Commission; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision or development agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat. The agreement shall provide for the needs of the subdivision, including, but not limited to, pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, and open space requirements. The agreement shall set forth the division of costs where the City is involved in cost-sharing for over-sized pipe, and off-site water and sewer extension, and shall contain an estimate of those costs. The agreement shall delineate any modification granted pursuant to Section 303 (d) and specify the time schedule for installation of improvements which are temporarily deferred in accordance with the provisions of said section.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

(a) The Planning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Subdivision Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

(b) If the Planning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Subdivision Chapter, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

(c) The City Council, following proper notice, shall hold a public hearing on each final plat and subdivision or development agreement and, following such public hearing shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

1. Following City Council approval of a final plat, the Chairman of the Planning and Zoning Commission and the Mayor of the City of Fort Calhoun shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.

2. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the Register of Deeds of Washington County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.

3. The subdivider must file the plat along with all applicable covenants and other documentation within 90 days of the execution of the plat by the Chairman of the Planning Commission and the Mayor.

g. Plats Outside of Corporate Limits

1. Authority Within the City's Extraterritorial Jurisdiction Limits

Pursuant to the authority contained in the Nebraska Revised Statutes, 1943, the subdivision provisions of the Land Development Ordinance, and the provisions of the Municipal Code of the City shall govern all territory outside the corporate limits of the City but within the City's Extraterritorial Jurisdiction Limits.

2. Procedures

Procedures for the approval of plats outside the corporate limits of Fort Calhoun shall be the same as set forth in this section.

304 RE-PLATS (Amended March 15, 2010) (ORD NO. 639)

b. Applicability

Whenever a re-subdivision of a parcel consists of three (3) or fewer lots, the City may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the City engineer or City planner, separate submission will not serve the public interest and will not conflict with the intent of this ordinance. Concurrent plats shall:

1. Discussed with the City at a scheduled pre-application conference;
2. Be accompanied by the applications fees and completed application forms as required;
3. Follow the procedure set forth for herein and contain the required information preliminary and final plats;
4. Not require public improvements such as streets, sewers, or water;
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
 - a. Exception; drainage reports shall not be required for the following:
 1. Subdivision of existing tax lots that are primarily developed;
 2. Subdivision of a farmstead that creates not more than two (2) lots and allows for the split of the main residence from the remaining farmstead.
 3. Acreages where lots are not less than two (2) acres in size.
6. Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least fifteen (15) days prior to the next regular meeting of the City Council.
7. A final plat, in conformance with Section 303, shall be submitted to the City.

TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
PLAT INFORMATION			
Name, address of owner and applicant.	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect as applicable, involved in preparation of plat.	X	X	X
Title block, denoting type of application, tax map sheet, legal description, and general location.	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, City limits, and other features within 400 feet of the subdivision boundary.	X	X	X
Present and proposed zoning.		X	X
North arrow, date, and graphic scale.	X	X	X
Proof that taxes are current.	X	X	
Copy of the most recent Title Search		X	
Signature blocks for Planning and Zoning Commission Chairman, Administrative Official, and Mayor.	X	X	X
Appropriate certification blocks.	X	X	X
Monumentation.	X		X
Metes and bounds description, including dimensions, bearings, curve data, tangent length, radii, arcs, chords, and central angles for all centerlines and ROW's, and centerline curves on streets.			X
Acreage of tract.	X	X	X
Date of original and all revisions.	X	X	X
Dimensioning of setbacks.		X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X

TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
PLAT INFORMATION (cont.)			
Copy of any existing or proposed deed restriction or covenants.	X	Concept	X
Existing and proposed easements or land reserved for or dedicated to public use.	X	X	X
Phasing plan.		X	X
Payment of application fees.	X	X	X
ENVIRONMENTAL INFORMATION			
Property owners and lines within 300 feet.		X	
All existing water courses, flood-plains, wetlands, habitat areas or other environmentally sensitive features within 200 feet.	X	X	X
Survey of trees and wooded areas, (noting size and location of trees) and mature or environmentally sensitive vegetation.		X	
Existing ROW's and easements within 200 feet.	X	X	X
Topography at five foot contours.		X	X
Existing site drainage system.	X	X	X
Drainage calculations and percolation tests.		X	X
IMPROVEMENTS AND CONSTRUCTION INFORMATION			
Proposed utility infrastructure plans including water, sanitary sewer, and storm sewer system		General	Detailed
Sediment/Soil Erosion Control Plan.		X	X
Spot and finished elevations at all property corners.			X
Construction details as required.			X
Road and paving cross-sections.		X	X
Proposed street names.		X	X
New block and lot numbers.	X	X	X

TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
Lighting plan and details.		Concept	X
Pedestrian circulation patterns and sidewalk or trail locations.		X	X
Certifications and seals from licensed Professional Engineer, as required by Ordinance.	X		X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources).		X	X
Draft subdivision or development agreement.		X	
Final subdivision or development agreement.			X

4

ARTICLE FOUR: SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

401 Purpose

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

402 Site Design and Constraints

a. Consideration of Plans

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

b. Grading Permit Required

1. A Grading Permit is required for erosion and sediment control on all construction sites greater than 5 acres in size. Prior to grading or site disturbing activity, the developer shall apply to the Planning Commission for a grading permit. The application for a grading permit shall include:

- (a) A location map showing the location and extent of grading activity.
- (b) Grading and Drainage Plan at a maximum 2 foot contour interval, with vertical control tied to USGS datum NAVD88 and horizontal control tied to the State Plane Coordinate System.
- (c) A Sediment and Erosion Control Plan.
- (d) The Grading and Drainage Plan and the Erosion Control Plan shall be prepared and signed and sealed by a registered professional engineer registered by the State of Nebraska.

2. After submission of a complete application for a grading permit, the Planning Commission will review the application. As part of the review, the Planning Commission will circulate the petition to any agency with statutory authority for the management of drainageways and stormwater management.

3. A grading permit will be issued within ten working days of receipt of a copy of Nebraska Department of Environmental Quality General NPDES Permit, and further that it is compatible with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance. If the submitted Sediment and Erosion Control Plan is deemed inadequate, the applicant will be given a list of mitigation measures that must be included to ensure conformance. The Planning Commission shall issue a grading permit to the applicant upon certification that mitigation measures will be taken as prescribed, consistent with applicable state and federal regulations regarding soil and sediment erosion, and environmental water quality.

c. Preservation of Natural Features and Drainage Patterns

1. To the maximum extent possible, development shall be designed to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service. Construction and fill activity shall be prohibited on wetlands in excess of one acre in size. Development and fill upon wetlands smaller than once acre in size should be avoided whenever possible, but regulated by permit authority of applicable state and federal agencies.
 - (b) Significant stands or mature specimens of trees. Placement of buildings should, as is reasonable, avoid trees taller than 20 feet or larger than 12 inches in diameter, measured six inches above the ground. Any such tree removed or damaged should be replaced by a species compatible with existing trees, on a one-to-one basis. The number of replacement trees will be limited by what can be reasonably accommodated within the available lot area.
 - (c) Flood plain lands, other than areas that have already experienced substantial development.
 - (d) Slopes in excess of 15% as measured over a 10-foot interval. Development on slopes over 15% may be permitted only if an erosion and slope stabilization plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The City requires the review and certification of such a plan by a licensed Geotechnical Engineer.
 - (e) Habitats of endangered species. Development shall avoid fill or disturbance of habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior, and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Fort Calhoun Comprehensive Development Plan.

d. General Guidelines for Subdivision Layout

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

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimizing of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.

5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimizing the use of cul-de-sacs. Where topographic aspects warrant the use of cul-de-sacs, the resulting cul-de-sac should not be longer than 300 feet in length.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Fort Calhoun, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the City; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
8. Dedication of arterial, collector, and key local streets on the general alignments specified in the Comprehensive Development Plan.

e. Site Design Objectives and Approval

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

403 **Subdivision Design Categories and Rules**

a. Purpose

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

b. Subdivision Design Categories

1. **Definition and Application:** A conventional subdivision literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations. Conventional subdivisions generally develop in areas relatively free of environmental constraints.
2. **Creative Subdivision:** A creative subdivision complies with the overall density requirements of a zoning district, but allows internal variations of such standards as lot size, setbacks, and street width in order to encourage innovative development or protect natural features and open space without loss of economic yield to developer.

c. Creative Subdivisions: Types and Special Regulations

Creative Subdivisions are divided into two types: Cluster Subdivisions and Traditional Neighborhood Districts. The Cluster Subdivision type includes subdivisions developed within a Rural landscape Conservation District.

1. Cluster Subdivisions

(a) Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.

(b) Cluster Subdivisions may be developed and approved subject to the following standards and variations:

(1) The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.

(2) Individual lot size dimensions, including lot width, may be reduced up to 60% of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.

(3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any cartway must be at least 20 feet.

(4) Street or right-of-way widths set forth in Article Five may be varied within for local streets within Conservation Subdivisions, subject to the sole discretion of the approving authorities.

(5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

2. Traditional Neighborhood Districts

(a) Traditional Neighborhood District (TND) Subdivisions allow the development of urban neighborhoods that produce new development consistent with the patterns of historic or traditional parts of Fort Calhoun, with appropriate civic space. Approval of a Traditional Neighborhood District subdivision requires submission of a specific district plan.

(b) TND Subdivisions may be developed and approved subject to the following standards and variations:

(1) The minimum size parcel to be covered by the TND Subdivision is 10 acres.

(2) The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with tile plat approval process.

(3) Individual lot size dimensions, including minimum width, may be reduced to 80% of the requirement of the underlying zoning district. Any savings on lot size shall be devoted to public space, including but not limited, to town squares, small parks, greenways, and community facilities.

(4) All streets within a TND Subdivision connect to other streets within the district, forming a continuous network. The internal street system connects to other streets on the edge of the district.

(5) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any cartway, including an alley, must be at least 20 feet. Garage access from the rear of lots by way of an alley is encouraged. The TND may establish maximum as well as minimum setbacks.

(6) Retail, service, civic, office, and various types of residential land uses may be combined within a TND subdivision, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.

(7) Street or right-of-way widths set forth in Article 5 may be varied within for local streets within TND Subdivisions, subject to the sole discretion of the approving authorities.

(8) Overall density permitted by the underlying zoning district of the TND Subdivision may be increased as follows for specific amenities: 10% for the provision of a centrally located town square of at least one acre for each 25 acres of developed area; 10% for the provision of approved ornamental lighting throughout the TND Subdivision; and 10% for the development of a central community street, as defined in Article Five. Cumulative density bonuses shall not exceed 25% of the density permitted by the underlying zoning district.

(9) All applications for a TND Subdivision must be accompanied by a TND Subdivision Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. Subsequent building and development permits shall be issued by the City only in consistency with the TND Subdivision Plan.

(10) Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

5

ARTICLE FIVE: CIRCULATION SYSTEM DESIGN

501 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Fort Calhoun and its planning jurisdiction.

502 General Standards

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

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape, and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Development Plan. For streets not shown on the Comprehensive Development Plan, the arrangement of streets shall provide for the logical extension of existing streets.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later developments. Such extensions shall make provision when necessary with a temporary turnaround with a radius of at least 50 feet.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features, create visual interest, or maintain greenways and pedestrian ways proposed in the Fort Calhoun Comprehensive Development Plan.
3. In creative subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Development Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

503 Street Hierarchy and Design

a. Characteristics of the Hierarchy

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

b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 5-2.

c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.
2. Requirements for curbs vary according to street function and the nature of adjacent development. Adjacent development is defined as urban or rural as follows:
 - (a) Rural: Residential or predominately agricultural land use where average lot frontage exceeds 150 feet.
 - (b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet; or adjacent land uses include commercial, office, industrial, or civic use types.
3. Where curbing is not required, edge definition and stabilization shall be provided.
4. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.

5. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.

6. Curb construction shall follow standards established by the City of Fort Calhoun.

d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.

2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to accommodate pedestrian traffic at major community features; to continue a walk on an adjacent street; to link parts of the City; or to accommodate future development.

3. In conventional development, sidewalks shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.

4. In commercial areas, sidewalks may abut curb.

5. Pedestrian rights-of-way at least 15 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Fort Calhoun and its jurisdiction. Such rights-of-way shall be dedicated to the public in the same manner as streets.

6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.

7. All sidewalks shall be constructed according to current standards in use by the City of Fort Calhoun. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick.

8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trails

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.

2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic. Surfacing of trails shall be acceptable to the City of Fort Calhoun. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.

3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

f. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
2. Any right-of-way that continues an existing street shall be no less than that of the existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 5-3.
4. Dedications: Dedications of right-of-way for collector, subcollector, community, or arterial streets shall be made consistent with the comprehensive development plan.

g. Street Design Standards

1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Fort Calhoun except:

(1) Local streets in rural subdivisions. Rural subdivisions may utilize 6-inch P.C.C.P. non-reinforced paving.

(2) Courts or lanes, may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(3) Alleys, may utilize 6-inch P.C.C.P. non-reinforced paving. (Ammended - Ordinance 596)

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, subgrade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets

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

3. Cul-de-sacs

(a) Cul-de-sac streets designed to have one end permanently closed shall not exceed 300 feet in length and shall be designed so that vision from entrance to end is not restricted.

(b) The closed end of a cul-de-sac within a conventional subdivision shall have a turnaround with a street property line diameter of at least 110 feet in residential subdivisions. This diameter may be increased by the Planning Commission if deemed necessary in the case of a commercial or industrial subdivision.

4. Street Grades

Maximum permitted street grades are set forth in Table 5-2. In typical circumstances, the minimum permitted street gradient shall be 1.0%. In exceptional circumstances, the City Engineer may permit

street gradients of less than 1.0%; however, under no circumstances may the gradient be less than 0.5%.

5. Street Intersections

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

6. Block Size

- (a) The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within urban subdivisions shall not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints. Blocks within rural subdivisions shall not exceed 1,320 feet

7. Other design standards shall be as set forth in Table 5-4.

h. Private Access Way

An approved private right-of-way easement or an out lot that provides primary access, on a cumulative basis, to three (3) or less single-family dwelling units and/or single-family residential lots. This private access way does not function as a local street because of its alignment, design or location; it only affords ingress and egress to the dwelling units and is completely internal to a development, with no through connection to other public streets.

- 1. An approved private access way shall be designed and certified by a licensed Nebraska registered professional engineer pursuant to this chapter and shall otherwise meet the design requirements of a lane or court except as noted.
- 2. The design requirements shall include proper drainage and be a minimum twenty-four (24) foot wide paved surface, plus shoulder.
- 3. The maximum length shall be 600 feet, to the center of the turnaround, with the provision of an adequate turn around at the terminus of the private access way, either a hammerhead or cul-de-sac design.
- 4. It shall be provided, by written and recorded documentation with the plat, that either the abutting property owners, with access to this private access way, or the Home Owners Association (HOA), or the SID, shall be responsible for the proper ongoing maintenance and shall assume all liability for this private access way.

504 Lighting and Wiring

a. Street Lighting

1. Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America.
2. Spacing of lighting standards shall be approximately four times the height of the standard or as otherwise approved by the City Council.
3. Maximum height shall not exceed 25 feet
4. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Fort Calhoun.

b. Underground Wiring

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

TABLE 5-1: Street Hierarchy

<i>Residential Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Alley (Amended - Ord. 596)	An alley is a special type of street which provides a secondary means of access to lots.	25
Lane, Court, or Cul-de-sac	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Collects and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the City's Surface Transportation Program system for federal aid.	1,000-2,500
Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Fort Calhoun, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	2,500-7,500
Major Arterials	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	7,500+

TABLE 5-2: Cartway Width, Grade, and Intersection Standards

<i>Residential Street Type</i>	<i>Moving Lanes</i>	<i>Parking Restrictions</i>	<i>Maximum Grade</i>	<i>Cartway Width</i>	<i>Minimum Curb Radii</i>
Alley (Amended - Ord. 596)	One 12-foot	No parking	8% (5%)*	12 feet	25 feet (Note 1)
Lane or Court	Two 12-foot	No restriction	8% (5%)*	24 feet	25 feet (Note 1)
Cul-de-sac	Two 13-foot	No restriction	8% (5%)*	26 feet	25 feet (Note 1)
Urban Local	Two 13-foot	No restriction	8% (5%)*	26 feet	25 feet (Note 1)
Rural Local	Two 12-foot	No restriction	8%	24 feet	25 feet (Note 1)
Collector					
No parking	Two 12-foot	No parking	All Types:	28 feet	All Types:
One-side parking	Two 12-foot	One side only	8% (5%)	34 feet	35 feet
Two-side parking	Two 12-foot	No restriction		42 feet	Note 1
Arterials	Note 2	Note 2	6%	Note 2	Note 2

* Denotes Maximum Street Grade Within 50 Feet of an Intersection

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

Note 2: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

TABLE 5-3: Curb, Sidewalk, And Right-Of-Way Requirements

<i>Street Type</i>	<i>Cartway Width</i>	<i>Curb/Shoulder</i>	<i>Sidewalk</i>	<i>Sidewalk Setback</i>	<i>Total ROW</i>
Alley (Amended - Ord. 596)	12 feet	Not Required	Not Required	NA	18 feet
Lane or Court	24 feet	Not Required	Required	NA	50 feet
Cul-de-sac	26 feet	Required	Required	6 feet	50 feet at approach 100 feet diameter
Local					
Rural	24 feet	6 feet Shoulder	Not Required	NA	60 feet
Urban	26 feet	Curb	Both sides	6 feet	60 feet
Collector					
Rural	22 feet	8 feet Shoulder	Not Required	NA	80 feet
Urban					
No parking	28 feet	Curb	Both Sides	8 feet	80 feet *
One-side parking	34 feet	Curb	Both Sides	8 feet	80 feet*
Two-side parking	42 feet	Curb	Both Sides	8 feet	80 feet*
Arterials					
Urban and Rural	Note 1	Note 1	Note 1	8 feet	100 feet minimum

* Right-of-way widths for these classes of street may be modified within the Creative Subdivisions.

Note 1: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

TABLE 5-4: Required Curve Radii

<i>Street Type</i>	<i>Minimum radius of horizontal curves</i>	<i>Minimum sight distance on vertical curves</i>
Alley (Amended – Ord. 596)	70 feet	NA
Lane or Court	70 feet	NA
Local	135 feet	200 feet
Collector	250 feet	300 feet
Arterials	*	350 feet

* Refer to AASHTO Standards for Minimum radius of horizontal curves.

6

ARTICLE SIX: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

601 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Fort Calhoun and its extraterritorial jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

602 Water

a. Connection

1. All developments shall be properly connected to an approved and functioning community water distribution system, constructed in conformance with the applicable design standards of the City.
2. Depending on the number of units, residential subdivisions shall be connected to an existing public water supply system if such a system is available within the following distances:

Size of Development	Distance
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet
15 units and over	0.5 mile

3. All proposals for new water supplies, extensions, or main installation shall be reviewed and approved by the City of Fort Calhoun.
4. All water mains shall be no less than eight (8) inches in diameter and shall be of ductile iron pipe or P.V.C. pipe as approved by the City.

b. Capacity

1. The water distribution system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. The water distribution system shall be designed to adequately provide fire protection for any development connected to the municipal water system. Computation of minimum fire flows shall be based on calculations of the American Insurance Association and National Board of Fire Underwriters.

4. Hydrants shall be spaced for necessary fire flow coverage and provided with adequate means of drainage as approved by the City Engineer and Fire Chief. All lines serving hydrants shall be at least eight (8) inches in diameter.
5. Installation of water distribution systems shall conform to community design standards in use within the City of Fort Calhoun.
6. A certification from a registered Professional Engineer shall be filed with the City of Fort Calhoun certifying that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the City and the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans.

c. Private or Community Well Systems

If the development does not meet the required criteria for connection to a public water system or for reasons of topography, economic feasibility, or other special condition proposes water service by a community and/or private well, the developer shall request a variance according the following provisions:

1. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing City water service to the subdivision versus the cost of the proposed well system.
2. If a well system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the City Engineer. Both agencies shall approve its construction before the City issues Certificates of Occupancy for any buildings in the subdivision.
3. If a public water supply system is proposed to be provided to an area within a ten-year period from the time of platting, as indicated in an officially adopted document of the City or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. City approval to install a community and/or private well system shall be allowed subject to the following additional provisions:
 - (a) The system, including all distribution lines, hydrants, valves, and appurtenances, shall remain the property of the Developer and/or Homeowners' Association.
 - (b) The developer and all successive lot owners shall agree to connect to the City water system if installed to the subdivision. Such connection shall not be required for ten years after the date of construction of the initial well system.
 - (c) With connection to the City water system, all existing lot owners shall be required to disconnect from and abandon the pre-existing well system in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City water system.

603 Sanitary Sewers

a. Connection

1. All developments shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.
2. Depending on the number of units, residential subdivisions shall be connected to an existing public sanitary sewer system if such a system is available, by gravity service or lift station, within the following distances:

Size of Development	Distance
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet
15 units and over	0.5 mile

Developments with more than 15 units and located within 0.5 mile of an existing public sanitary sewer system must provide adequate justification as to why they are unable to connect to such a system. For developments with more than 15 units and located more than 0.5 mile from a public sanitary sewer system, the waste disposal strategy shall be considered by the approving authorities on a case-by-case basis.

3. If the City creates a benefit fund for the purpose of financing public extensions of sanitary interceptor sewers to newly developing areas, each subdivision to be benefited by such extensions shall contribute to such a fund. Subdivisions within the City limits of Fort Calhoun at the time of platting; or subdivisions currently served by existing sanitary sewer service shall be exempt from this requirement. Contributions to the fund shall be computed on the basis of proportionate costs and benefits of necessary extensions. Assessments shall be made on a per lot basis for single-family development; a pre-unit basis for multi-family residential development; and a site area basis for non-residential development.
4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions. Subsurface or septic systems are not permissible on any lot created after the effective date of this Ordinance if the overall density of the subdivision is higher than one unit per 1.5 acres; or if individual lots are smaller than one acre.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.
6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.

7. All state requirements shall be met and approvals from the Department of Environmental Quality or other appropriate state agencies shall be obtained for all waste disposal systems.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.

2. Installation of sanitary sewer systems shall conform to community design standards in use within the City of Fort Calhoun.

3. A certification from a registered Professional Engineer shall be filed with the City of Fort Calhoun certifying that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the City and the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans.

c. Private Wastewater Disposal Systems

If the development does not meet the required criteria for connection to a public sanitary sewer system and gravity sewer service connections, or if for reasons of topography, or other special conditions, the developer proposes service by a private wastewater disposal system, the developer shall request a variance according the following provisions:

1. Subsurface or septic systems are not permissible on any lot created after the effective date of this Ordinance if the gross density of the subdivision is higher than one unit per 1.5 acres; if individual lots are smaller than one acre; or in any urban subdivision.

2. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing City sewer service to the subdivision versus the cost of the proposed private disposal system. The preliminary plat application shall also show the proposed system for each lot and shall submit percolation tests for each lot, taken at the proposed adsorption field sites to determine the size of the field required for each lot.

3. The City shall consider all these submittals in determining whether to permit installation of private wastewater disposal systems for the subdivision.

4. If a private wastewater disposal system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the Nebraska Department of Environmental Quality. The developer's Professional Engineer shall furnish the City with three certified copies of as-built plans showing service line locations and final sewer and maintenance access locations, lengths, elevations, and grades.

5. If a sanitary sewer system is to be provided to an area within a ten-year period, as indicated in an officially adopted document of the City, the County, or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension within and extension to the subdivision of a future sanitary sewer system.

6. City approval to install a community and/or private wastewater disposal system may be allowed subject to the following additional provisions:

(a) The developer and all successive lot owners shall agree to connect to the City sanitary sewer system if installed to the corner of their lot. Such connection shall not be required for ten years after the date of construction of the initial wastewater disposal system.

(b) With connection to the City sanitary sewer system, all existing lot owners shall be required to disconnect from and abandon the pre-existing wastewater disposal system(s) in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City sanitary sewer system.

604 Storm Water Management

a. Design

1. All subdivisions shall have a storm water management system that is adequate to prevent the undue or unplanned retention of storm water on the site. Undue retention does not include:

(a) Retention through planned facilities.

(b) Retention not substantially different from pre-existing conditions.

2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Fort Calhoun Subdivision Regulations, the Fort Calhoun Comprehensive Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.

3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and minimize disturbance to pre-existing drainageways.

4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:

(a) There may be no unreasonable impediment of water from higher adjacent properties across the subdivision.

(b) No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development run off shall not exceed that of the pre-development runoff, and is to be managed in a manner consistent with Nebraska statute and existing case law regarding such flows.

5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include detention basins, swales, porous paving, and terracing.

6. No surface water may be channeled into a sanitary sewer system.

7. The subdivision's drainage system shall coordinate with that of surrounding properties or streets.

8. All storm water design shall be reviewed and approved by the City Engineer. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section and the City's Storm Water Ordinance. A certification from a registered Professional Engineer shall be filed with the City of Fort Calhoun certifying that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this Section and the City's Storm Water Ordinance; and all applicable statutes of the local, regional and state agencies. This certification shall be affixed to an accurate set of "as-built" system plans.

b. Erosion Control

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed Professional Engineer, for any land disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan and the grading permit issued by the City.

c. Interpretations and Approvals

1. In the event of conflicts of application or interpretation between or among different codes, ordinances, rules or regulations, that interpretation shall prevail which is more restrictive of the safety and economic interests of the City and its inhabitants.
2. The City Engineer or his designee is hereby appointed and empowered to examine and pass upon all questions involving the technical adequacy and conformity with law of all applications involving the technical adequacy and conformity with law of all applications for subdivision approval, including all supportive documentation. Final approval of the City Engineer shall be required as a condition-precedent to approval by the City of any final Subdivision Plat or Agreement.

605 Parks and Public Facilities

a. Park Dedication

If required by the City and consistent with the comprehensive development plan, a subdivision shall dedicate up to .04 acres per dwelling unit for parkland. Alternatively, the subdivider shall pay a fee equivalent to the cost of .04 acres per unit, to be used specifically by the City for the acquisition and development of park and recreational facilities which directly benefit the subdivision.

b. Location of Dedicated Parkland

Any land dedicated as parkland must be consistent in location and improvement with the comprehensive development plan and as approved by the City.

c. Public Facility Sites

The City Council may require reservation of sites to be purchased for schools and other civic facilities as a condition for approval of the subdivision. Reservation of land for public acquisition shall be for a period not to exceed three years from the date that the plat is officially recorded.

606 Developer Agreements

a. Developer Agreements May Establish Time and Manner of Compliance

The City may enter into a Developer Agreement with any subdivider which sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations.

b. Prior Development Agreements

If any developer agreement has previously been entered into between the City and a subdivider, and that Agreement remains in full force and effect, the provisions of that agreement shall control, and this Section shall have no force and effect, provided that the subdivider complies with the terms of such Agreement. However, if such subdivider is not complying with the terms of that Agreement then the provisions of this Section shall apply and the City shall utilize the criteria set forth herein to determine the appropriate exact amount, less credits, if any.

Further, if the development contemplated by a subdivider has either increased in number of units or has otherwise increased the demand for park and recreation facilities, then the developer Agreement previously entered into between the subdivider and the City shall be amended and the subdivider shall provide additional land, or a pro-rata fee, based on the provisions of this Section, less credits, if any.

607 Easements

a. Utility Easements

1. Urban Subdivisions: Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of utilities. Such easements shall be a minimum of 10 feet in width, centered on the lot lines, and shall be provided along:

(a) All rear property lines.

(b) Side property lines where necessary to provide a continuous easement.

2. Easements of greater width may be required along lot lines or across lots. Easements of lesser width may be approved if accepted by utility providers. Easements shall connect with easements on adjoining properties.

3. Easements shall be approved in writing by any appropriate public or private utility provider intending to use such easement for their facilities. Such approval shall be submitted prior to final plat approval.

4. Rural Subdivisions: Utilities shall be placed within roadway rights-of-way, without requirements for additional utility easements.

b. Drainage Easements

Where a subdivision is crossed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall correspond generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. Easements shall extend not less than 20 feet on each side from the

centerline of the waterway. The total width of any easement shall be sufficient to cover the 100-year flood plain calculated for a fully developed upstream drainage basin. Parallel streets or parkways may be utilized to preserve such drainageways.

c. Setback Requirements for Structures Adjacent to Creeks and Drainageways

1. In addition to other applicable provisions of City ordinances, no persons shall be granted a permit for the construction of any structure, exclusive of fences, bank stabilization structures, signs, and non-related parking areas adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum 3:1 slope plus 20 feet between the water's edge (during normal flow conditions) of the stream and the closest point of the structure at-grade.

2. An exemption from the provisions of Sub-section (1) above may be granted if all of the following conditions are met and required certification is filed with the City of Fort Calhoun:

(a) Certification by a registered professional engineer or architect that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate lateral support so that no portion of the structure adjacent to the stream will be endangered by erosion or lack of lateral support.

(b) Certification shall be affixed to an accurate set of "as-built" construction plans for the structure, as well as "as-built" plans depicting any bank stabilization or slope protection measures or structures.

(c) In the event that the structure is adjacent to any stream that has been channelized or otherwise improved by any agency of government, then such certification providing this exemption must take the form of a certification as to the adequacy and protection of the improvements installed by such governmental unit.

d. Other Easements

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

608 Dedications

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

7

ARTICLE SEVEN: IMPROVEMENT FINANCING AND GUARANTEES

701 Purpose

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

702 Application

This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the City or developer. Without limitation of the foregoing, this shall include storm water management and erosion control systems.

As a condition of the final approval of the plat and prior to its recording with the Washington County Register or Deeds, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow or other guarantee in a form acceptable to the City in an amount not to exceed 120% of the estimated cost of the improvement installation.
2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included in the Subdivision Agreement negotiated between the City and the Developer and approved with the Final Plat.

703 Responsibility of Subdivider

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

704 Subdivision Agreement

a. Condition for Approval of Plat

As a condition for final approval, each major subdivision plat must include a subdivision or development agreement entered into between the City of Fort Calhoun, the subdivider, and, if applicable, a Sanitary and Improvement District (the District). Additionally, no contract for the construction of public improvements involving a subdivision within the extraterritorial jurisdiction but outside the corporate limits of Fort Calhoun shall be awarded without the approval of such an agreement.

b. Components of the Agreement

The agreement shall include provisions for the financing and distribution of responsibilities among the City, the subdivider, and the District for land acquisition, design, and installation of public improvements. The agreement shall also state specifically how public services will be provided in the subdivision prior to annexation by the City. It shall further include a statement reflecting an understanding that the District is a temporary mechanism to finance public improvements and that it is the eventual intent of the District to be annexed by the City following satisfactory retirement of its general obligation debt.

c. Rules for Distributing Improvement Costs

Generally, the following rules shall be followed in distributing costs for public improvements:

1. Public Costs

Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:

- (a) Pavement width in excess of 28 feet for streets designated as collector or arterial streets in the Fort Calhoun Comprehensive Development Plan or any subsequent amendment thereof. On collector and arterial streets requiring a higher standard of paving than normal, the additional cost shall be borne by the City or other public agency.
- (b) The incremental cost of water mains over eight (8) inches.
- (c) Oversized storm sewers or drainage structures required to serve other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
- (d) Sanitary outfall sewers or water lines outside of the limits of a subdivision that serve areas larger than that of the subdivision, provided that such extension is consistent with the sequencing of development specified in the Comprehensive Development Plan.
- (e) The additional costs of sanitary sewers over eight (8) inches in diameter, when such sewers are required by the City.
- (f) Park and recreation facilities consistent with the Comprehensive Development Plan.
- (g) Those costs required to be paid by the City for extension of water and sewer lines, pursuant to the Fort Calhoun Municipal Code.

2. Private Costs

Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:

- (a) The entire cost of grading street rights-of-way, including intersections.
- (b) All sanitary sewer lines serving the subdivision up to eight (8) inches and water lines serving the subdivision up to eight (8) inches.

- (c) All paving and street construction, including curbs and gutters, up to a cartway width of 28 feet.
- (d) A stormwater management system adequate to provide for the collection, retention, and removal of surface runoff, extending to the boundaries of the subdivision
- (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
- (f) The contract charge for underground electrical and gas service.
- (g) An iron rod not less than one-half inch in diameter and 24 inches in length as follows:
 - (1) Set in concrete three (3) feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.
 - (2) At lot corners and changes in direction of block and lot boundaries.
- (h) Those costs required to be paid by the developer for extension of water and sewer lines, pursuant to the Fort Calhoun Municipal Code.

3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount which could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

705 Subdivisions Contiguous with City

Unless otherwise provided as a specific part of the subdivision approval by the City, all subdivisions now or hereafter laid out adjoining or contiguous to the corporate limits of the City may be included within such corporate limits and become a part of the City of Fort Calhoun. The residents of the subdivision shall be entitled to all the rights and privileges and subject to all laws, ordinances, rules, and regulations of the City of Fort Calhoun.

706 Performance Guarantees

- a. As a condition of the final approval of the plat and prior to its recording with the Washington County Register of Deeds, the City Council shall require and accept the following:
 - 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
 - 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 - 3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the City and the Developer and approved with the Final Plat.

707 **Notification of Completion and Acceptance by City**

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the City Engineer in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation. The term "City Engineer" shall include a consulting engineer retained on a regular basis by the City to review development applications and perform various engineering services.

b. Inspection and Acceptance

1. The City Engineer shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Planning Commission certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the City Engineer shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, acts of God excluded, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. No residential occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the City Engineer.