

CITY OF BENNET LANCASTER COUNTY, NEBRASKA

SUBDIVISION REGULATIONS

ADOPTED BY THE CITY OF BENNET, NEBRASKA

Prepared By



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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS

Section 1.01 Name and Citation of Titles

These regulations shall be known, referred to and cited as "The Subdivision Regulations of Bennet, Nebraska."

Section 1.02 Purpose

The purpose of these regulations is to provide for the orderly development of Bennet and its jurisdiction. This will be done through prescribed rules and standards establishing functional arrangements of street layouts; open spaces; and adequate community facilities and utilities. These Subdivision Regulations will coordinate development with the City's transportation, land use and capital facilities plans, and will provide conditions favorable for the health, safety and convenience of the community, in accordance with applicable State Statutes.

Section 1.03 Rules

For the purpose of this Regulations the following rules shall apply:

Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.

The word "persons" includes a corporation, members of a partnership or other business organization, a committee, Board, commission, trustee, receiver, agent or other representative.

The word "shall" is mandatory, the word "may" is permissive.

The words "use," "used," "occupy," or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.

The word "Commission" shall refer to the Planning Commission of the City of Bennet, Nebraska.

Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

Each gender shall include the other.

Section 1.04 Definitions

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

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, City or County boundaries, or adjoining property lines.

BOND shall mean any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Regulations.

BOUNDARY ADJUSTMENT shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

CITY mean the City of Bennet, Nebraska. Also, "City Council" or "Governing Body."

CITY COUNCIL shall mean the Bennet City Council.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor and City Council or his/her authorized deputy, agent or representative.

CLERK shall mean the City Clerk of the City of Bennet, Nebraska.

CLUSTERED/MIXED USE DEVELOPMENT shall mean 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.

COMPREHENSIVE DEVELOPMENT PLAN shall mean the Comprehensive Development Plan of Bennet, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903.

CONDITIONAL APPROVAL shall mean approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.

CUL-DE-SAC shall mean a short public way with one end open to traffic and the other end terminated by a vehicular turn-around.

DEAD END STREET shall mean a public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

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

DESIGN shall mean the location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, topographical changes and the designation of minimum lot area, width and length.

DEVELOPER See "Subdivider".

EASEMENT shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

ESCROW AGREEMENT shall mean an agreement between the developer and the City setting forth rights and responsibilities of each party; typically, including an amount of money to be held by a third party until a set of specific actions have taken place.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any sources.

FLOOD PLAIN shall mean any land designated by the Nebraska Natural Resources Commission, or the Federal Emergency Management Agency that is susceptible to being inundated by water from any source.

FLOODWAY shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FRONTAGE ROAD shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

GHOST PLAT shall mean a plat filed with the City of Bennet at the time that residential acreages are approved for development. The "ghost" plat indicates where future lot lines, streets, utility easements, other easements/improvements will be located when the development becomes more urban and is included in the city. The "ghost" plat is binding until a replat of the property has been approved.

IMPROVEMENTS shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Lancaster County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

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

LOT SPLIT shall mean a subdivision of land involving the division of one lot into two lots.

LOT WIDTH shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.

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

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure.

PEDESTRIAN WAY shall mean a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PLANNING COMMISSION shall mean the Planning Commission of Bennet, Nebraska.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

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

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

PLAT OF RECORD shall mean a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds of Lancaster County.

PUBLIC WAY shall mean any street, alley, pedestrian way, pathway, channel, viaduct, bridge, easement, right-of-way, or other way in which the public has a right of use.

REPLAT shall mean the further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.

RIGHT-OF-WAY shall mean 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.

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

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City or county with controlled access to abutting property.

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

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

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

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

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

SUBDIVISION shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, of transfer of ownership or building development, whether immediate or future, provided that the smallest lot created by the division is 10 acres or less in size.

SUBDIVISION AGREEMENT shall mean an agreement between a subdivider and the City that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

TURNAROUND shall mean a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

WAIVER shall mean permission to depart from the requirements of an Regulations with respect to the submission of required documents.

ZONING DISTRICT shall mean an area delineated on a zoning map for which uniform use regulations are specified.

ZONING REGULATIONS shall mean the Zoning Regulations of the City of Bennet, as amended from time to time.

ZONING PERMIT shall mean any permit required by the City and issued by the Zoning Administrator, to be obtained by any person engaged in any activity governed by the regulations set forth in this Regulations.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 Jurisdiction

The provisions of these regulations shall apply to all land located within the legal boundaries of the City of Bennet, as the same may be amended by subsequent annexation, and shall also include all land lying within one mile of the corporate limits of the City, and not located in any other municipality.

Section 2.02 Powers

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made by the Planning Commission to the City Council and the City Council has approved the Final Plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map, to subdivide land except in accordance with Neb. Rev. Stat. §19-916 and the provisions of that title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any County, the City, or any Village incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval pursuant to Neb. Rev. Stat. §19-916.

Section 2.03 Applicability

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of these regulations, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than 10 acres in area shall be exempt from these regulations. Further, the regulations set forth by these regulations shall be minimum regulations, which shall apply uniformly throughout the jurisdiction of these regulations except as hereinafter provided.

Section 2.04 Exemptions

These regulations shall not apply in the following instances: 1) The division of land for agricultural purposes into parcels or tracts of more than ten acres, 2) A change in the boundary between adjoining lands which does not create an additional or substandard lot but only after review and approval by the governing body, 3) Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved, and 4) Any transfer by operation of law.

Section 2.05 Interpretation

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 2.06 Conflict

No Final Plat of land shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations, the most restrictive shall apply.

Section 2.07 Building/Zoning Permits

Unless a tract shall have been platted in accordance with the provisions of this Article, no or building/zoning permit shall be issued.

Section 2.08 Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the governing body; provided, however, that such amendments shall not become effective until after a study by the Planning Commission; and a public hearing in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation at least one time, 10 days prior to such hearing.

Section 2.09 Modifications

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Council, after report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that: such, modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the Planning Area of the City. The standards and requirements of these regulations may be modified by the Governing Body after report by the Planning Commission in the case of a planned development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

Section 2.10 Fees

All fees regarding the subdivision procedure shall be set by a separate resolution. The developer shall be responsible for all review and inspection fees regarding a subdivision.

Section 2.11 General Provisions Applicable to all Subdivision Requests

1. General. The provision of this Article shall apply to all subdivision requests regardless of the procedure used to secure approval, unless otherwise specifically noted.
2. Zoning and Occupancy Permits. No official of the City shall issue either a zoning permit or occupancy permit on any property which does not comply with the zoning and subdivision regulations of the City of Bennet. The issuance of any zoning permit or occupancy permit does not relieve the owner thereof from compliance with all of the terms and conditions of the Subdivision Regulations, including improvements and subdivision design. It is the duty and obligation of the owner of the property to ensure compliance with the Regulations of the City.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data

1. Prior to the filing of an application for approval of a Preliminary Plat the subdivider shall submit to the Planning Commission plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:
 - A. The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
 - B. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.
2. These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Planning Commission will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of these regulations.

Section 3.02 Procedure for Approval of Preliminary Plat

Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Bennet or which is within a one-mile limit of the City of Bennet or which is proposed to be annexed, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the Bennet Planning Commission. The Preliminary Plat shall be prepared in accordance with these regulations set forth herein and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Planning Commission shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

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

A total of one electronic copy and 14 copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted to the City Clerk at least 15 days prior to the meeting at which it is to be considered. The Clerk shall distribute one copy of the Preliminary Plat with a request for comments to each of the following: City Engineer, School Board, Lancaster County Assessor, Lancaster County GIS Department, Nebraska City Utilities or Norris Public Power (depending upon service area), Fire District, Lancaster Sheriff's Department, Lancaster County Engineer, if the subdivision is located outside the corporate limits, and to whomever else deemed necessary by the Planning Commission.

The Planning Commission will consider the Preliminary Plat at a regularly scheduled meeting, and will (1) review the Preliminary Plat and other material submitted for conformity to these regulations and (2) review any recommendations of the City Engineer, School Board, Fire Department, Lancaster Sheriff's office, Lancaster County and other Agencies and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by subdivider. The Planning Commission shall act on the plat as submitted. The Planning Commission may (1) approve with no conditions and forward to the City Council, (2) conditionally approve and state the conditions of such approval, or (3) disapprove and state the reasons for such disapproval.

The action of the Planning Commission shall be noted on or attached to two copies of the Preliminary Plat. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

Upon a Planning Commission recommendation of approval or disapproval, the Clerk shall place the Preliminary Plat on the City Council agenda. The City Council shall act on the Preliminary Plat as submitted and may (1) concur with the Planning Commission's recommendation; (2) reverse the Planning Commission's recommendation; or (3) refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions.

Procedure for approval of Preliminary Plats of land within one mile of the corporate limits shall be the same, except one copy of the Preliminary Plat shall be referred to Lancaster County with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take final action on the Plat prior to receiving recommendations from Lancaster County. If no recommendation is received within 30 days, it shall be deemed the County has no issues or concerns with the Preliminary Plat.

Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat, as modified by any required conditions. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of at least one inch to 100 feet on a 22"x34" sheet, shall be plainly marked "Preliminary Plat" and shall include the following information:

1. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
2. The proposed name of the subdivision, designated as "_____ Addition to the City of Bennet, Nebraska", which must not be so similar to an existing subdivision as to cause confusion.
3. The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect responsible for the Preliminary Plat.
4. The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and the approximate acreage of the proposed development.
5. The width and location of platted streets and alleys within or adjacent to the property.
6. The proposed lot layout, lot and block numbers, and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
7. Existing and proposed easements. Book and page number shall be provided for existing easements.
8. The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.
9. Names of adjacent subdivisions together with arrangement of streets and lots.
10. Requests for waivers of design standards.
11. Phasing lines and schedule, if applicable.
12. A Topographic Survey Plan, showing the physical features of the property, including location of water courses, wetlands, channels, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of two feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required), and any floodway, floodplain, and flood fringe areas.
13. A Site Plan, showing the location and width of proposed streets, easements, building setback lines, rights-of-way, pavement widths and type, sidewalks, alleys, etc.

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14. A Sanitary Sewer Plan, showing pipe sizes and depths, manholes, and points of connection to existing sanitary sewer mains.
 15. A Water Main Plan, showing pipe sizes and depths, manholes, hydrants, and points of connection to existing water mains.
 16. A Grading and Drainage Plan, showing storm sewer pipe sizes and depths, inlets, manholes, detention ponds and outlet structures, discharge points, and both existing and proposed grades.
 17. A Street Profiles Plan, showing the proposed profiles for all streets within the development.

The following documents shall accompany the Preliminary Plat submittal:

1. Preliminary Drainage Report, prepared in accordance with Section 5.18.
2. Traffic Study, if required by the City Engineer.
3. Draft copy of the Subdivision Agreement including requests for waivers from the requirements of these regulations and an itemized cost estimate for all public improvements. A template of the subdivision agreement shall be requested from the City, then prepared by the subdivider.
4. Complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for subdivision.

The subdivider or subdivider's representative shall be in attendance at the Planning Commission meeting when Preliminary Plat is discussed.

Section 3.04 Procedure for Approval of Final Plat

The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time. The Final Plat shall be submitted to the Planning Commission for approval at least 15 days prior to the meeting at which it is to be considered. One original, one electronic copy, and 14 copies of the original shall be prepared as specified in these regulations.

The Final Plat shall be submitted to the City Council for approval and adoption prior to the start of construction. The City Council shall consider the Final Plat at their regular meeting. Final approval by the City Council shall be by resolution only after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of these regulations. Upon approval of the Final Plat, a certification of approval by the City Council shall be endorsed thereon by the City Clerk, and the original shall be filed with the Lancaster County Register of Deeds, the reproducible copy shall be filed with the City Clerk.

Section 3.05 Final Plat Specifications

After approval of the Preliminary Plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a Final Plat prepared by a registered land surveyor.

The Final Plat shall be prepared in conformance with the Preliminary Plat, shall be drawn to a scale of at least one inch to 100 feet on a 22"x34" sheet, and shall include the following information:

1. The name of subdivision.
2. The date and a north arrow and graphic scale.
3. A legal description of the perimeter of the subdivision.
4. The location and names of adjacent subdivisions, streets, alleys and any easements.
5. Location and names or numbers of lots, streets, easements, public highways, alleys and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
6. Existing and proposed easements. Book and page number shall be provided for existing easements. Proposed easements shall be shown and labeled as "recorded via separate document."
7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of iron pipe or iron rod, or some other material capable of being detected by

commonly used magnetic locators. Monuments shall have a minimum diameter of five-eighths (5/8) inch and minimum length of 24 inches.

8. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards for Surveys", as established by the Professional Surveyors Association of Nebraska.
9. Fractional lines and corners of the government township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
10. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
11. Bearings of all boundary lines or internal angles of all angle points on the boundary shall be shown.
12. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
13. All distances shall be shown in feet to the nearest one-hundredth of a foot.
14. Plat Boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev Stat §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet and decimals of a foot shall be required in Bennet (Lancaster County) pursuant to Neb. Rev. Stat. §86-1603. State Plan Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the Final Plat.
15. A notarized owner's certification statement signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided, consenting to the Final Plat, including the dedication of parts of the land for streets, easements, and other purposes, pursuant to Article 5 of this document.
16. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Section 11.02.
17. An affidavit from the Lancaster County Treasurer stating there are no regular or special taxes due or delinquent against the platted land.
18. A signature block for the approval of the Planning Commission, pursuant to Section 11.03.
19. A signature block for the approval of the City Council, to be signed by the Mayor and attested to by the City Clerk, pursuant to Section 11.04.
20. A signature block for the approval of the City Engineer, pursuant to Section 11.08.
21. A signature block for the Lancaster County Surveyor, pursuant to Section 11.05 if located outside the corporate limits.

The following documents shall accompany the Final Plat submittal:

1. Final Drainage Report, prepared in accordance with Section 5.18.
2. Geotechnical Report
3. Traffic Study, if required by the City Engineer.
4. Subdivision Agreement with signature block for the Mayor and attestation of the City Clerk.
5. Escrow Agreement with signature block for the Mayor and attestation of the City Clerk. A template of the escrow agreement shall be requested from the City, then prepared by the subdivider.
6. Private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
7. Easements to be recorded with plat. A template document of each type of easement shall be requested from the City, then prepared by the subdivider. Easement shall include a legal description sufficient for recording at the County Register of Deeds.
8. Performance bond pursuant to Section 8.03.
9. Construction Plans and Specifications, including:
 - A. Topographic Survey
 - B. Grading Plans
 - C. Erosion Control Plans
 - D. Sanitary Sewer Plans
 - E. Storm Sewer Plans, including detention pond and outlet structure.
 - F. Water Main Plans

Construction Permits, including:

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- A. NDEE Water Main Permit
 - B. NDEE Sewer Main Permit
 - C. NPDES Grading Permit
 - D. USACE Section 404 Permit, if needed for wetland or channel impacts.
 - E. NDOT Permit, if needed for work within NDOT ROW.

The subdivider or subdivider's representative shall be in attendance at the Planning Commission meeting when Final Plat is discussed.

Section 3.06 Vacation of Plat

1. Applicability: An owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:
 - A. The Plat to be vacated is a duly recorded Final Plat or Replat.
 - B. The vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
2. Procedures: The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved (approved by resolution), it shall then be recorded in the office of the Lancaster County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation. If the proposal is disapproved, the City Council shall state which of the reasons stated in Section 3.06 (1) require such disapproval. The applicant shall be allowed to submit a new application upon a showing that the reason or reasons for disapproval have been corrected.

Section 3.07 Replats

1. Whenever a Replat of an existing subdivision result in 10 or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Planning Commission, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:
 - A. Be discussed with the Planning Commission at a scheduled pre-application Conference pursuant to Section 3.01.
 - B. Be submitted to the City Clerk at least 15 days prior to the next regular meeting of the Planning Commission at which request is to be heard.
 - C. Be accompanied by the applications fees and completed application forms as required.
 - D. Follow the procedure set forth for herein and contain the required Preliminary and Final Plat information.
 - E. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
2. Disapproval of Replats shall be based on the following guidelines:
 - A. A new street or alley is needed or proposed.
 - B. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 - C. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - D. There is less street right-of-way than required by these regulations or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 - E. All easement requirements have not been satisfied.
 - F. Such action taken during a replat will result in a tract without direct access to a street.
 - G. A substandard-sized lot or parcel will be created.
3. Changes required by the Planning Commission, during the Planning Commission's meeting, shall be made prior to submission to the City Council. Replats shall be submitted to the City Clerk prior to the start of construction and at least 15 days prior to the next regular meeting

of the City Council. The City Council shall review and act on the Replat. The City Council shall, in writing, either approve the Replat with or without conditions, or disapprove the Replat and state the reasons thereof.

Section 3.08 Administrative Plats

1. The intent of this section is to provide for lots splits, lot combinations, and boundary adjustments which result in lots divided or combined into not more than four tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The Zoning Administrator shall review the administrative plat application and make a final determination. The Zoning Administrator may approve or disapprove administrative plats in accordance with the following regulations.
2. Requests for an Administrative Plat approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Two copies and one electronic copy of the Administrative Plat shall include the following:
 - A. Administrative plats shall be drawn to a scale of at least one-inch equals 100 feet on a 22" x 34" sheet.
 - B. A survey of the lot(s).
 - C. Location and precise nature of any structures located thereon, if any.
 - D. Location and dimensions of the proposed administrative plat.
 - E. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Section 11.02.
 - F. A signature block for the Lancaster County Surveyor (ETJ only), pursuant to Section 11.05 if outside the corporate limits.
 - G. An affidavit from the Lancaster County Treasurer stating there are no regular or special taxes due or delinquent against the platted land.
 - H. A signature block for the approval and signature of the Zoning Administrator and the Mayor and attested to by the City Clerk, pursuant to Section 11.04.
3. Disapproval of administrative plats shall be based on the following guidelines:
 - A. A new street or alley is needed or proposed.
 - B. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 - C. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - D. There is less street right-of-way than required by these regulations or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 - E. All easement requirements have not been satisfied.
 - F. Such action taken during an administrative plat will result in a tract without direct access to a street.
 - G. A substandard-sized lot or parcel will be created.
 - H. The lot has been previously split in accordance with this Resolution.
4. No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the Regulation requirements concerning minimum areas and dimensions of such lots.
5. Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof.
6. The Zoning Administrator shall, in writing, either approve the Administrative Plat with no conditions, or disapprove the Administrative Plat and state the reasons thereof, within a reasonable time of application.
7. The filing fee for Administrative Plats shall be set in accordance with Section 2.10.
8. After approval from the Zoning Administrator all copies must be certified by all applicable parties and two copies filed with the City prior to the issuance of a zoning permit.

ARTICLE 4: “GHOST” PLATTING AND BUILD-THROUGH ACREAGE REQUIREMENTS

Section 4.01 Scope of Regulations.

The regulations set forth in this Article are the regulations of the BTA Build-through Acreage policies. The regulations set forth in this Article shall only apply to applications for development submitted after May 23, 2023.

Section 4.02 Purpose.

The purpose of this Article is to provide a mechanism for approval of short-term acreage development in portions of the City of Bennet’s zoning jurisdiction that are unlikely to receive urban services, and consequent urban density development, within the next 10 to 20 years. These regulations are intended to allow owners the opportunity to realize a reasonable return on their property and to accommodate a continuing demand for acreage development without obstructing future urban development. The BTA Overlay District allows owners to develop a portion of their property with low-density residential development, while reserving the majority of the property for future long-term development with urban services. It also provides for the eventual transition of the previously developed acreage residential use to higher densities with the extension of urban services.

Section 4.03 Applicability

The BTA requirements apply to all land designated as LDR Low Density Residential in the Future Land Use Plan and zoned TA or R-1 in the zoning regulations but within the extraterritorial zoning jurisdiction of Bennet.

Section 4.04 “Ghost” Platting Requirements

The following requirements shall be provided to the City as indicated in any area designated as a “build-through” area as stated in Section 4.03. All drawing required for Ghost Platting process shall be drawn to a scale at one inch equals 100 feet on a 22” x 34” sheet.

1. A final plot plan for the “Ghost” platting component shall be accurately, clearly, and legibly drawn as required in this section and shall contain the information required for final plot plans in Article 3 and the following requirements:
 - A. Building envelopes shown on lots in the final plot plan shall meet required setbacks for the lots shown under the future final plot plan providing for conversion of the “Ghost” platting component to higher urban residential density.
 - B. The drainage and site grading plans shall include both the proposed acreage layout and the future drainage at urban residential densities. The development shall be designed to drain and grade both components in accordance with the future final plot plan for the acreage development and the proposed urban density. Final and rough grading of the acreage development shall be accomplished as set forth in these regulations.
2. A future final plot plan providing for conversion from acreages to higher urban residential density shall be accurately, clearly, and legibly drawn to the scale and on a sheet required in this Section and shall contain the information required for final plot plans in Article 3 of these regulations and the following information:
 - A. Final lot lines that will be implemented with the extension of urban infrastructure and annexation by the City.
 - B. The location and layout of any future streets not dedicated and improved as part of the final plot plan for the acreage development but needed in the future to convert the acreage development to an urban density development.
 - C. Easement locations for future utilities and stormwater drainage.
 - D. Building envelopes which meet required setbacks under the conversion.
 - E. A Master Plan providing an urban framework for future development which establishes the major systems serving the overall development, documenting the future relationships between the acreage development. This Master Plan shall be accurately, clearly and legibly drawn as required in this Section and shall contain the following information:
 - 1) The layout of arterial and collector streets on the site. These will typically include streets approximately on half section lines, along with connections to adjacent parcels.

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- 2) Major infrastructure lines, including water distribution, sanitary sewers, and storm sewers, if part of the stormwater management plan.
 - 3) A master stormwater management plan, indicating general grading concepts and directions, stormwater retention and detention structures, and storm sewers.
 - 4) Easements and dedications for all major utility services.
 - 5) Proposed parks, open spaces, trails, and greenways.
 - 6) Resource conservation or preservation areas, including wetlands, wooded areas, streams and waterways, and other features that will be maintained and incorporated into future development concepts.
 - 7) The Master Plan shall provide a minimum gross residential density of no less than four units per acre on the portion of the site that is to be developed for urban residential purposes.
 - 8) The Master Plan may propose a land use master plan, displaying the location and relationship of various uses, but such a plan is not a requirement for approval.
- F. For a "ghost" plat located within the jurisdiction of Bennet, the Council shall require the execution of a written agreement with the City relating to conversion of the acreage development to higher urban density and the future annexation of the subdivision as a whole and the implementation of the Master Plan for the future development of the urban density of the clustered/mixed use development. The written agreement shall include, but not be limited to, the following provisions:
- 1) The timing of annexation and the Final Platting of the urban density areas following the extension of sanitary sewer and water utilities to the subdivision;
 - 2) A plan for funding infrastructure cost for conversion of the acreage development and implementation of the master plan for the urban residential density, including an agreement to agree to petition for the creation of special assessment districts for the installation of such improvements if not installed by the permittee at permittee's own cost and expense. If the Planning Commission finds the proposed clustered/mixed use development does not meet the above requirements for approval, the Planning Commission may deny the application or approve the application upon condition that the applicant makes specific changes in the proposed community unit plan which will remove the objection.

Section 4.05 Special Requirements for "Ghost" Plats

The following special requirements shall be provided to the City and completed as indicated and required by these regulations.

1. All platted streets required to be platted as part of the "Ghost" plat shall be protected as a part of the initial installation of improvements and street during the acreage development phase.
2. All "Ghost" plats shall be required to have easements placed at a minimum of five feet either side of a proposed future property line (urban residential density) and around the perimeter of the acreage density lots.
3. A Subdivision Agreement that will require the owner(s) at the owner's expense:
 - A. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - B. To comply with the provisions of these regulations regarding land preparation and grading.
 - C. To notify all potential purchasers of all lots that said lots are subject to future subdivision and additional future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the Final Plat; (2) the lots have been annexed; and (3) the lots have been rezoned to a district allowing for higher urban density.
 - D. To notify all potential purchasers of lots that an identified Outlot, identified on a Final Plat as Reserved for Future Platting to Urban Density, is subject to future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the Final Plat; (2) the Outlot has been annexed; and (3) the Outlot has been zoned to a district allowing for higher urban density.
 - E. To install water mains to all lots at the owners own cost and expense within 12 months following annexation of said lots into the City of Bennet, unless a water district is created

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- by the City Council for the water mains and the water mains are finally ordered constructed within six months following said annexation.
- F. In the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, stormwater and ornamental street lighting are ordered constructed pursuant to a special assessment district Subdivider (1) agrees and consents that the costs thereof shall be assessed and levied together with assessment and equalization costs, against the benefited properties in the _____ Addition, waiving all objections to the sufficiency of the petitions therefore, to the proceedings and (2) agrees to pay to the City of Bennet said costs as thus assessed and levied against said property.
 - G. To and hereby waives, as against the City of Bennet, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Subdivider, or which may result to Subdivider's property or interest therein, by reason of said infrastructure improvements or construction thereof.
 - H. Not to protest annexation of the property within the subdivision into the City of Bennet.
 - I. That the obligations of Subdivider under this "Ghost" platting process and agreement shall constitute a covenant running with the land and shall be binding on the Subdivider and Subdivider's heirs, administrators, successors and assigns.

ARTICLE 5: DESIGN STANDARDS

Section 5.01 General

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the Comprehensive Development Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform to any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the Preliminary Plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the Planning Commission has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission that would eliminate or substantially reduce such hazards.

The Planning Commission may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

Section 5.02 Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a right-of-way radius of at least 50 feet and a paved radius (usually crushed rock) of 30 feet, or other approved design.

New or reconstructed streets shall conform to Nebraska Board of Public Roads Classifications and Standards, Minimum Design Standards. These shall be constructed of the materials as herein specified, on an approved subgrade, in accordance with these specifications and in conformity with the lines, grades, typical cross-section and details shown on the approved Plans. The Nebraska State Standard Specifications shall be the Nebraska Department of Transportation Standard Specifications for Highway Construction, latest edition, English Units Edition.

Designs of said roadways shall be subject to the approval of the City in accordance with the Minimum Street Standards shown in Schedule A and with the following standards:

1. Intersections
 - A. Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be constructed at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. Larger intersection radii may be required in industrial or commercial area or when directed by the City Engineer. When the smallest angle of street intersection is less than 75 degrees, the Planning Commission may require curb radii of greater length.
 - B. Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than 75 feet, or more at the discretion of the City Engineer.

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2. Curves in Streets, Horizontal and Vertical
 - A. A tangent of at least 100 feet in length shall be introduced between reversed curves on arterial and collector streets.
 - B. Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Maximum requirements shall conform to the standards in Schedule A of this Ordinance.
 - C. Minimum sight distances shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classifications and Standards.
 3. Street Grades and Elevations
 - A. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. The minimum street grade shall not be less than four tenths of one percent (0.4%). Minimum grades for gutters and ditches shall be four tenths and five tenths of one percent (0.4% and 0.5%), respectively. The City may allow lesser slopes if approved by the City Engineer. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not increase flood elevations more than two foot. Street grades shall conform to the maximum requirements provided in Schedule A of this Ordinance.
 4. Street Jogs
 - A. Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.
 5. Cul-de-sac Streets
 - A. Cul-de-sacs shall not be longer than 500 feet and shall provide a turnaround having a radius at the outside of the pavement of at least 50 feet and a radius at the right-of-way of at least 110 feet. Alternative designs for temporary turnarounds may be approved by the City. Streets dead- ending or terminating in a temporary turnaround shall not have a length greater than 500 feet or a radius at the right-of-way less than 60 feet. Cul-de-sac and temporary turnarounds shall be measured from the center of the cul-de-sac or temporary turnaround to the nearest right-of-way line of the intersecting street.
 6. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges, drainage structures and/or culverts constructed. Where drainage pipe or culverts are required, minimum requirements shall be observed as follows:
 - A. All drainage pipe or culverts shall extend across the entire right-of-way width of the existing or proposed street. The cover over the culvert and its capacity shall be determined by the developer's engineer. The diameter of a drainage pipe shall be determined in the approved drainage report submitted with the plat. Depending on existing drainage conditions, head walls, flared end sections and erosion control may be required.
 - B. Driveway culverts, if applicable, shall have a minimum diameter of 18 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch. Head walls flared end sections and erosion control may be required.
 7. Excavation, Embankment, and Subgrade
 - A. Work shall be in accordance with Section 205 and 206 of the Nebraska State Standard Specifications, latest edition. Fill material shall be Class III, uniform and free of trash, lumber and other debris. Material shall be properly moistened to optimum requirements and thoroughly compacted to a minimum of 95% maximum dry density as determined by ASTM D-698, with moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.
 - B. All Trench fill below areas to be covered with street pavement, drives or sidewalks shall meet the minimum compaction requirements as specified in the Geotechnical Report.
 - C. Pavement subgrade shall be a minimum of 12 inches deep or as specified in the Geotechnical Report. Material for pavement subgrade shall be properly moistened to

optimum requirements and thoroughly compacted to a minimum of 98% maximum dry density as determined by ASTM D-698, with a moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.

8. Concrete

A. Concrete shall conform to Division 600 of the Nebraska State Standard Specifications, latest edition. Concrete shall be Class "47B-3,500". Minimum compressive strength shall be 3,500 psi in 28 days. Materials shall conform to Nebraska State Standard Specifications for Highway Construction, Division 1000, Material Details. Curing shall be with a double application of continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Nebraska State Standard Specifications

9. Pavement Construction or Reconstruction

A. All new or reconstructed full depth paving shall be constructed with Portland cement concrete. Surface maintenance of existing paved streets may utilize hot mix asphalt, armor coat, seal coat or other methods approved by the City.

B. All street improvements shall conform to the Nebraska Board of Public Roads Classifications and Standards, Minimum Design Standards, and the Minimum Street Standards in the City's Subdivision Regulations.

C. Curb and gutter shall be required on all streets.

Section 5.03 Dedication of Rights-of-Way for New Streets

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule A of these regulations. The City shall approve access to lots located on arterials.

Where a subdivision fronts on an arterial street, the Planning Commission shall, where possible, require frontage roads. Where lots back up to an arterial street and such lots have access by means other than the arterial street, a frontage road may not be required.

Section 5.04 Dedication of Rights-of-Way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements.

Section 5.05 Frontage Roads

Where a front or side yard abuts railroad, limited access freeway, or principal highway or arterial street rights-of-way, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way when necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections. In the case of lots where the rear yard is adjacent to an arterial street and such lots have access other than of off the arterial street frontage, a frontage road may not be required.

Section 5.06 Access Control

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and City Council shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the Final Plat.

Section 5.07 Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. The name of a proposed street which is not in alignment with an existing street shall not be named so similarly to the name of any existing street as to cause confusion. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Council prior to such names being assigned or used.

Section 5.08 Private Streets and Reserve Strips

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and City Council as an exception to the terms of these regulations. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 5.09 Alleys

Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, however, where a dead-end alley cannot be avoided, a dead-end alley shall be provided with adequate turnaround capacity at the dead-end. Alleys should be avoided in residential areas except where an existing alley of an adjoining subdivision would dead-end at the boundary of the proposed subdivision.

**SCHEDULE A
MINIMUM STREET STANDARDS**

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³ (ft.)	Minimum Pavement Thickness ⁴ (in)
Arterial Street⁶	100	44 ⁷	2	6	700 ⁵	400 ⁵	9
Collector Street	80	39	2	7	300	300	8
Local Street	60	27	2	8	200	200	7
Alleys	16	16	1	No max.	100	None	7
Cul-De-Sac² and Loop Street	60	27	2	8 (average)	100	300	7
Minor Streets (No Parking)	50	27	2	8	200	200	7
Private Road⁸	-	-	-	-	-	-	-

1. Pavement width measured back-to-back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be 65 feet and the minimum pavement radius for the cul-de-sac turnaround shall be 50 feet. Larger dimensions will be required in commercial and industrial areas as directed by the City Engineer.
3. (VC) – Vertical Curve of road.
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO or per geotechnical report.
5. Per NDOR Standards or as directed by the City Engineer.
6. All section line roads will be designated as arterial streets.
7. Based on traffic study.
8. See Private roadway design standards adopted in 2021.

Section 5.10 Water Main Design Standards

Design of municipal water mains shall conform to standards and requirements of the Nebraska Department of Environment and Energy and the recommended Standards for Water Works, 2018 edition (aka 10 States Standards) by Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers.

Improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances.

Designs of said system shall be subject to the approval of the City in accordance with the following standards:

1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Generally, water lines shall be at least six inches in diameter.
2. Except for good cause, all water mains shall be located within the right-of-way, but not under the pavement located thereon.
3. The maximum distance between fire hydrants shall be determined by the City, but generally any portion of the proposed subdivision shall be within 250 feet radius of a fire hydrant.
4. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 500 feet to be out of service in high value districts or 800 feet in other districts.
5. Valves or cross connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.
6. Fire hydrants shall be provided by the developer in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the utility superintendent and City Engineer. The minimum size of any water line serving any hydrant shall not be less than six inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the utility superintendent and City Engineer.

Section 5.11 Sanitary Sewer Design Standards

Design of municipal sanitary sewer mains shall generally comply with the requirements of the Nebraska Department of Environment and Energy and shall conform to the Recommended Standards for Wastewater Facilities, 2014 edition (aka 10 States Standards) by Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers.

Improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities if applicable, and the location, type and size of all lift or pumping stations.

Design of said system shall be subject to the approval of the City Engineer in accordance with the following standards:

1. At least eight-inch sewer lines will be installed.
2. At least four-inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade and size.
4. Materials for sanitary sewer improvements shall be as approved by the City Engineer.
5. Combination of sanitary sewers and storm sewers shall be prohibited.

Where the installation of individual disposal systems is considered, the following shall apply:

1. The suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, applicable wellhead protection regulations, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City and the Nebraska Department of Environment and Energy and Department of Health.
2. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one acre in area where there is a public water supply available at the lot, and two and a half (2 ½) acres where there is not a public water supply available.
3. At least one percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be

numbered and its location shown on the Preliminary Plat. All percolation tests shall be performed in accordance with the requirements of the Bennet City Council.

Section 5.12 Sidewalks

All sidewalks within a subdivision shall have a minimum pavement width of four feet with a minimum thickness of four inches and shall be located one foot into the street right-of-way adjacent to the residential lot line unless otherwise approved. Sidewalks that are part of the City's trail system shall have a minimum width of 10 feet and a minimum thickness of six inches. Sidewalks, trails, and street crossings shall meet ADA design standards.

Section 5.13 Materials Testing and Inspection Requirements

The following materials testing, and inspections shall be required for public infrastructure construction:

Grading Operations

1. Geotechnical report
 - A. Soil sample(s)
 - B. Proctor Curve(s)
 - C. Atterberg limits
2. Moisture/density testing during operations
 - A. One test/1,000 SF for each lift.
 - B. Two tests/station for roadway projects.
3. Inspections: Daily during grading operations for each lift.
 - A. Nuke gauge training required.

Concrete Pavement/Structures (different category for structures)

1. Subgrade proof rolling observation report
 - A. Proof rolling to be performed with tandem axel fully loaded dump truck, two passes in each lane, with outside wheel at the gutter line. Report to include photos and summary of results/recommendations.
2. Subgrade moisture/density test
 - A. Two per station for roadway corridors
3. Air/Slump test
 - A. First load of each day and every 300 CY
4. 7- and 28-day break results
 - A. First load of each day and every 300 CY
5. Inspections
 - A. Part time, as needed to perform all necessary testing and observe proof rolling and paving operations. ACI certification required.

Asphalt Pavement

1. Subgrade proof rolling observation report
 - A. Proof rolling to be performed with tandem axel fully loaded dump truck, two passes in each lane, with outside wheel at the gutter line. Report to include photos and summary of results.
2. Subgrade moisture/density test
 - A. Two per station for roadway corridors
3. Bulk samples
 - A. One sample per lot (500 tons), delivered to qualified lab
4. Density core samples
 - A. One sample per lot (500 tons)
5. Inspections:
 - A. Part time, as needed to perform all necessary testing and observe proof rolling and paving operations. NDOT Asphalt field technician level 1 certification required.

Storm Sewer

1. Backfill compaction test

-
- A. For all pipes and structures.
 2. Inspections:
 - A. Part time, as needed to perform all necessary testing and observe backfilling operations.

Sanitary Sewer

1. Backfill compaction test
 - A. For all pipes and structures.
2. Mainline low-pressure pipe test
 - A. One test per pipe run between manholes
3. Vacuum test
 - A. One test per manhole
4. Video inspection
 - A. Video files and summary report for all pipe, after backfill has been in place for 30 days.
5. Inspections:
 - A. Part time, as needed to perform all necessary testing and observe backfilling operations.

Water Main

1. Backfill compaction test
 - A. For all pipes, valves, and hydrants
2. Hydrostatic test
 - A. For all pipe
3. Disinfection test
 - A. Two consecutive sets of acceptable samples, taken at least 24 hours apart.
 - B. Samples shall be collected from every 1,200 feet of water main, plus one set from the end of each line, and at least one set from each branch.
4. Inspections:
 - A. Part time, as needed to perform all necessary testing and observe backfilling operations.

All testing shall be completed by professionals certified in inspection and testing services.

Section 5.14 Blocks

In determining the lengths, widths and shapes of blocks, consideration shall be given to the provision of adequate access and circulation, the suitability of building sites to the needs of the use contemplated, and the zoning requirements regarding minimum lot sizes, widths and frontages of the anticipated zoning district. Except in unusual circumstances approved by the City, block lengths shall not exceed 600 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for adequate pedestrian circulation.

Section 5.15 Lots

The size, width, depth, shape and orientation of lots shall conform to the regulations of the applicable zoning district for the type of development and use contemplated. All lots shall be developed such that surface drainage is diverted to lot lines and not across adjacent properties. Corner lots for residential uses shall be designed with adequate width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access from a public street or an approved private street. Side lot lines shall be designed as close as possible to be perpendicular to street right-of-way lines or radial to cul-de-sac center points.

Section 5.16 Through Lots

Through lots shall be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least 10 feet in width shall be provided along the property line of such lots abutting such arterial street. Within this easement, the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 5.17 Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 16 feet in width. When located on a lot line, said easement shall be centered so that there is eight feet of easement on each side of lot line. In those zoning districts that require five feet side yard setbacks, the required easement shall be at least 10 feet in width, centered upon the lot line so that there is five feet of easement on each side of the side property line.

Where a subdivision is traversed by a water course, there shall be provided a storm water drainage easement substantially following the width of such water course. The width of the easement shall be adequate for maintenance purposes and shall be determined by the City Engineer as part of the Preliminary Plat.

Section 5.18 Storm Sewer System and Drainage System

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part.

The developer shall submit, unless specifically waived by the Planning Commission, a Drainage Report prepared by a registered professional Engineer as to the existing and proposed drainage conditions. A Preliminary Plat Drainage Report shall be included with the Preliminary Plat. The Final Plat Drainage Report shall be attached to the Final Plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

1. The Preliminary Plat Drainage Report shall include:
 - A. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision.
 - B. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
 - C. A Preliminary Grading Plan illustrating proposed drainage management.
2. The Final Plat Drainage Report shall contain:
 - A. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
 - B. Quantities of flow at each pick-up point.
 - C. A description of an adequate drainage system within the subdivision and its design capacities based on a 10-year storm.
 - D. Sizing calculations for all inlets, pipes, outlet structures, and riprap pads.

Improvement plans for the storm sewer and drainage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes and inlets, and the location, type and size of retention or detention ponds and outlet structures.

Design of municipal storm sewer and drainage system shall be subject to the approval of the City Engineer in accordance with the following standards:

1. The improvements shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall reflect a "no net" increase in runoff rate based on a 2-year, 10-year and 100-year frequency storm events. The system shall be sufficient to handle the computed runoff as outlined in the Final Drainage Report.
2. The City of Lincoln Drainage Criteria manual shall serve as a guideline in design and construction.
3. Materials for storm sewer improvements shall be as approved by the City Engineer.
4. Subdivisions and other proposed new developments shall be required to assure that 1) all such developments are consistent with the need to minimize flood damage, 2) all public

utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, 3) adequate drainage is provided so as to reduce exposure to flood hazards so as to assure that all building sites are reasonably safe from flood hazards.

5. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage report required for submittal and shall be submitted to the City prior to development of the lot.

Section 5.19 Flood Hazards

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall conform to the flood hazard zoning provisions of the Zoning Ordinance.

Section 5.20 Conformance with Other Regulations

No Final Plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing Zoning Ordinance. Whenever there is a conflict between the standards set forth in these regulations and those contained in other regulations the highest standard shall govern.

ARTICLE 6: REQUIRED IMPROVEMENTS

Section 6.01 General

The subdivider shall design and construct improvements using standards not less than the standards outlined in these regulations. The Planning Commission and City Council upon recommendation of the City Engineer shall approve all such plans.

The work shall be done under the supervision and inspection of the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environment and Energy and the Nebraska Department of Health and Human Services shall be the minimum standards required thereof.

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 6.02 Monuments and Markers

1. Monuments and markers placement shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.
2. Monument Construction. Monument construction shall meet or exceed the "Minimum Standards for Surveys," as the same may be amended from time to time, as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths (5/8) inch and minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the City Council.

Section 6.03 Roadways

1. The developer shall provide the subdivision with adequately paved roadways. Surfacing shall be Portland cement concrete; provided, however, if not within the corporate limits of the City and if not being annexed, and when all proposed lots are three acres or more in area, roadways may be surfaced with crushed rock or its equivalent or surfaced with asphaltic material or Portland cement concrete.
2. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.
3. The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, with recommendation from the City Engineer, it is desirable to provide street access to adjoining properties,

proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius at outside of the pavement of at least 40 feet or other approved design. 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 authority.

4. Design and construction of the roadways system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.04 Street Signs, Lighting, Electrical Power, Natural Gas, and Telecom

1. At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from said sidewalk or its intended location.
2. The developer shall provide and coordinate with the proper electrical provider for the installation of streetlights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Nebraska City Utilities or Norris Public Power District and/or the City Engineer.
3. New subdivision lighting, electrical power, and telecom shall be installed underground. The location of easements for such wiring shall be indicated on the Preliminary and Final Plats. All underground wiring shall conform to installation specifications required by the Nebraska State Electrical Code and other pertinent codes.
4. All natural gas lines shall be installed underground per the design criteria of Black Hills Energy or subsequent providers.

Section 6.05 Landscape Screens

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along arterial and collector streets, state and federal highways, county roads, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision.

Section 6.06 Storm Sewer and Drainage

1. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, retention and detention cells, storm sewers, intakes, and manholes, to provide for the collection and the removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
2. Design and construction of the drainage system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.07 Sanitary Sewers.

1. Where a public sanitary sewer main is reasonably accessible, the subdivision shall be connected to the sewer main and new sewer mains shall be installed in all streets within the proposed subdivision and extending to the project boundaries. A sewer connection shall be provided for each lot; provided, however, where the proposed subdivision is not within the corporate limits of the City and is not being annexed, and when all proposed lots are three acres or more in area, on site wastewater treatment systems or community wastewater works shall be permitted if such systems are in conformance with all applicable requirements of Lancaster County and the state of Nebraska and proper permits have been received therefor.
2. A public sewer main shall be deemed to be reasonably accessible to a new subdivision when the main is:
 - A. within 1,320 ft. of the proposed subdivision or
 - B. when the cost of providing a community wastewater system exceeds the cost of extending the nearest available sewer main to serve the proposed subdivision.
3. If a public sewer main is not reasonably accessible, the City may authorize a community wastewater system acceptable to the City Council, the Nebraska Departments of Health and Human Services, and Department Environment and Energy. In addition, the City may require a plan for future extension of such utilities, including permanent easements, for utilities

throughout the proposed subdivision. Property owners shall connect to public sanitary sewer system at such time as connection becomes accessible.

4. Design and construction of the sanitary sewer system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.08 Water Mains.

1. Where a public water main is reasonably accessible, the subdivision shall be connected to the water main and new water mains shall be installed in all streets within and adjacent to the proposed subdivision. A water connection shall be provided for each lot and fire hydrants as approved by the City Council; provided, however, where the proposed subdivision is not within the corporate limits of the City and is not being annexed, and when all proposed lots are three acres or more in area, individual water well systems or a community water system shall be installed in such a manner that an adequate supply of potable water is available to every lot within the subdivision.
2. A public water main shall be deemed to be reasonably accessible to a new subdivision when the main is:
 - A. within 1,320 ft. of the proposed subdivision or
 - B. when the cost of providing a community water system exceeds the cost of extending the nearest available water main to serve the proposed subdivision.
3. If a public water main is not reasonably accessible, the City may authorize a community water system. In addition, the City may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision. Property owners shall connect to public water system at such time as connection becomes accessible.
4. Design and construction of the water distribution system to serve the proposed subdivision shall conform to the Design Standards as adopted by resolution of the City Council.

Section 6.09 Cost of Over-size Improvements.

1. Except as provided in (2) below or otherwise approved by the City Council, the cost of all acquired improvements for a proposed subdivision shall be the responsibility of the subdivider.
2. Where wider pavement widths or larger pipe or main sizes than those required to serve the proposed subdivision are deemed necessary by the City Council, the City shall bear the extra cost of providing such greater width or larger pipe or main sizes.
3. The City Council, upon recommendation of the Planning Commission, may require the installation of streetlights, street signs, and street trees.

Section 6.10 Extension to Boundaries.

The subdivider may be required to extend all necessary improvements to the boundaries of the proposed subdivision at his/her expense to allow for services to future anticipated developments on the adjoining lands, as determined by the Planning Commission and City Council.

Section 6.11 Land Preparation.

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the City or as approved by the City Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.

As land preparation is completed, the subdivider, any successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or any successors and assigns.

ARTICLE 7: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 7.01 Dedication

As a condition of Final Plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and City Council. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

Such provisions shall also provide for agreement of the property owners that if the City is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 7.02 Reservation and Dedication of Public Land and Open Space.

Before Preliminary or Final Plat approval is given, the subdivider shall reserve at least 10 percent of the total property suitable for parks, playgrounds, open space and other common areas for public use in conformance with the Comprehensive Development Plan, as determined by the Planning Commission and City Council. Reservation of land for public acquisition and/or use shall be for a period not to exceed two years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the City or other governmental entity within said two-year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or the entire site.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the Planning Commission and City Council may require the immediate acquisition, reservation or accept the dedication of such area. Where necessary, The Planning Commission and City Council may require the subdivider to reserve up to 20 percent of the total property for public use.

Section 7.03 Determination of Dedication or Fee Payment.

Before Preliminary or Final Plat approval is given, the City Council will determine, after consultation with City Staff, if the subdivider shall dedicate reserve sites for parks, playgrounds, open space, trails, and other public land consistent with the Comprehensive Development Plan, or pay a designated fee in lieu of said dedication. Such determination shall be provided to the subdivider in written form and shall become part of the subdivision agreement.

Section 7.04 Dedication Requirements.

Before Preliminary or Final Plat approval, the subdivider shall convey any dedication of land for parks, playgrounds, trials, or other public spaces as described in Sections 7.02 and 7.03 to the City of Bennet in the following manner:

1. Subdivider shall provide the City with an affidavit of title to such real estate
2. Subdivider shall provide the City with a deed conveying fee simple title
3. Said title shall be free and clear of all liens or encumbrances
 - A. Liens or encumbrances dischargeable by cash accompanying said deed are exempt.
 - B. Current real estate taxes are exempt.
4. Commitment for title insurance issued by a title insurance company acceptable to the City Council for a period of not more than 30 days prior to the date of conveyance in an amount equivalent to the fair market value of the land that is being dedicated to the City.

Section 7.05 Fee Payment Requirements.

If the subdivider is directed to provide the City with a fee payment in lieu of parkland dedication, it shall be done in the following manner:

1. The subdivider shall pay the City, upon approval of the Final Plat, either the sum of Two Hundred Dollars (\$200.00) per lot based on the total number of lots shown on the Final Plat OR an amount equal to 115% of the most ascertainable taxes for the year pro-rated to the date that the deed is delivered.
2. The City shall hold all collected funds in trust to be used for the purchase and/or development of park and associated facilities

Section 7.06 Developer Agreements.

The sections of this article may be implemented through a subdivision agreement between the developer and the City so long as the time and manner of compliance of this article and other provisions of these regulations are adhered to.

Section 7.07 Preservation of Land.

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The Planning Commission may prepare a list of all such features within its area of planning jurisdiction which it deems worthy of preservation. When such features do exist, the applicant is encouraged to plat and develop the subdivision using the tools found within the Clustered/Mixed Use District of the zoning ordinance.

ARTICLE 8: IMPROVEMENT PROCEDURE AND FEES

Section 8.01 Improvements Financing, General.

In order to provide consistent information concerning the financing of required subdivision improvements; establish and equitable division of costs between the developer and City; and to insure orderly, cost-effective growth in Bennet, the City shall require the developer pay for the following services and improvements indicated as part of the subdivision process.

1. All costs associated with the preparation and revisions to the Preliminary Plat including but not limited to surveying, preliminary grading, drawings, and related services.
2. Unless otherwise agreed to by the City in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the Final Plat and those improvements and related costs contained in Article 6.

Section 8.02 Subdivision Improvements Guarantees.

Prior to the Final Plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final Plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City.

In lieu of requiring the completion of all improvements prior to the Final Plat approval, the City Council may enter into an agreement with the subdivider and subdivider shall guarantee to complete all improvements required by these regulations and approved by the City in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one or more of the guarantees set forth in Section 8.03 and 8.04 below.

Section 8.03 Surety Performance Bond.

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover 110 percent of the cost of all improvements, as established by the subdivider and accepted by the City Council upon recommendations of the City Engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with these regulations.

Section 8.04 Escrow Account.

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to 110 percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the City Engineer.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and themselves guaranteeing the following:

1. The funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during said period.
2. In the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in completion of the improvements.

Section 8.05 Improvement Districts.

1. As to those portions of the subdivision situated within the corporate limits of the City, the developer may petition the City to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision buildout, or other sufficient reason as determined by City, the City may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to

20 percent or less of the cost of improvements as determined from the City Engineer's estimates prior to receipt of bids and award of contracts. The City may finance up to 80 percent of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the Final Plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the Final Plat if the area of the tentative plat is more than ten acres.

2. As to those portions of the subdivision situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the developer may cause such improvements to be constructed by a street improvement district or sanitary improvement district in accordance with the appropriate state law. However, the City Engineer shall not certify to the City the required improvements have been satisfactorily arranged for until the developer presents certified evidence the improvement district has been duly formed and has adopted a resolution of necessity authorizing a contract for the required work in said portion of said road improvement district or sanitary and improvement district included in the Final Plat. It is further provided, however, if the City has approved a Final Plat for a phase of the area comprised in the Preliminary Plat, the developer may submit for Final Platting the next phase only if the required improvements have been installed in the first phase or have been contracted for as above provided in the phase comprised in the Final Plat theretofore approved. Subsequent applications for Final Platting shall be processed in the same manner.

Section 8.06 Time Limits.

Prior to the granting of Final Plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. The deadlines shall not exceed two years from the date of Final Plat approval, provided, however the City Council may extend the deadline for one additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Section 8.07 Installation of Improvements.

Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

1. They may install required improvements upon acceptance of plans and specifications being approved by the City Council.
2. They may submit a petition requesting the City to construct street surfacing and sanitary sewer in the proposed subdivision by the district method. In the event, the developer shall have plans and specifications prepared and pay all costs for same, approved by the City staff, City Engineer, and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law.

Section 8.08 Plan and Administration Review Reimbursement.

The subdivider of Sanitary and Improvements District shall reimburse the City for such costs incurred by the City for Plan Review, Plan Check, and Plan Approval as to conformance with approved City Standards and Specifications.

Subdivider shall pay to the City an amount to one percent of the actual construction cost of Subdivider paid improvements as administrative expenses incurred by the City in connection with the administration of this Agreement. Estimated payment shall be made on the basis of one percent of the construction and/or installation cost estimates for the various improvements

computed by the Subdivider's engineer, which estimated amount shall be paid to the City at the time the plans and specifications are submitted to the City for City final review approval.

Section 8.09 Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 8.10, within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall do one of the following:

1. Where improvements have been guaranteed under Section 8.03 of this Ordinance, the bond shall be forfeited to the City.
2. Where improvements have been guaranteed under Section 8.04 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 8.10 Certification and Inspection.

Upon completion of the improvements, the developer or designated agent shall file with the City a statement either certifying the improvements meet the requirements of the city or provide a statement indicating the improvements do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider through use of a registered professional engineer shall file with the City a statement stipulating the following:

1. All required improvements are complete.
2. These improvements are in compliance with the minimum standards specified by the City.
3. There are no known defects from any cause in the improvements.
4. These improvements are free and clear of any encumbrances or lien.

If the City Engineer or other authorized person has certified the improvements are complete and free from defect, the City shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided all statements and agreements specified above have been received for the portion of the improvements. The developer or other authorized person shall regularly inspect condition of required improvements for defects.

Section 8.11 Reduction of Guarantees.

In those cases where improvement guarantees have been made under Sections 8.03 and 8.04 of these Regulations, the amount of the guarantee may be reduced upon acceptance in compliance with Section 8.02 of the dedication and acceptance of a portion of the improvements.

Section 8.12 Release of Guarantee.

Upon acceptance, in accordance with Section 8.01 and 8.02 of these regulations, the City shall authorize the release of the performance bond or the remaining portion of the escrow.

Section 8.13 Operation and Maintenance.

It is the intention of the City to provide no services other than planning, zoning and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to and the City, a precise approach for the operation and maintenance of improvements in the subdivision. Said approach may include formation of districts, homeowners' associations or other methods to operate and maintain such improvements. Said approach shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

Section 8.14 Fees.

All fees shall be set by separate Resolution by the City Council, including any fees associated with the following items:

Development Fees

- Arterial Street Improvement Fees
- Sewer Connection/Capital Facilities Fees
- Water Connection/Capital Facilities Fees
- Watershed Management Fees
- Park and Open Space Fee

ARTICLE 9: WAIVERS AND ANNEXATIONS

Section 9.01 Granting of Waivers (Exceptions) and Conditions

In addition to the exceptions contained in these regulations, the Planning Commission may recommend and the City Council may grant waivers from the provisions of these regulations, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 9.02 Subdivision; Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits of Bennet may be included within the same and become a part of the City of Bennet upon approval of and acceptance by Ordinance. Such annexation shall only occur after the City Council has voted to approve said inclusion by a separate vote from that approving the Final Plat. Further, such annexation shall occur prior to approval of the Final Plat for the subdivision.

When the intent of the Planning Commission and City Council is to annex said subdivision or addition upon approval of the Final Plat; the following procedures shall be taken:

1. Notice of the time and place of separate public hearings for the Planning Commission to recommend and the City Council to approve the annexation shall be provided pursuant to Neb. Rev. Stat. §19-904.

Section 9.03 Amendments

Any provision of these regulations from time to time may be amended, supplemented, changed, modified or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 10: ADMINISTRATION AND ENFORCEMENT

Section 10.01 General

1. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
2. No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a Final Plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations and filed for record with Lancaster County Register of Deeds.
3. The subdivision or replat of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.
4. No zoning permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 10.02 Violation and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor. Such conviction shall carry a fine of up to 100 dollars plus the cost of prosecution for each violation. The non-payment of such fine and costs shall subject the guilty party to imprisonment in the county jail for a period of time not to exceed the lesser of 1) 30 days, or 2) the time necessary to pay such fine and costs in full. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 11: CERTIFICATION AND DEDICATION STATEMENTS

Section 11.01 Notary Public Acknowledgment

STATE OF NEBRASKA)
) ss
COUNTY OF LANCASTER)

The forgoing instrument was acknowledged before me this ____ day, of _____ 20____, by _____, who personally appeared before me and whose name is affixed to this plat and who acknowledge the execution thereof to be his/her voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

Notary Public (SEAL)

My Commission Expires: _____

Section 11.02 Surveyor 's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat correctly represents a survey conducted by me or under my direct supervision on the ____ day of _____, 20____, that any changes from the description appearing in the last record transfer of the land contained in the Final Plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

Surveyor, RLS # _____
Date

(SEAL)

Section 11.03 Approval of Bennet Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF BENNET, NEBRASKA

This plat of _____
was approved by the Bennet Planning Commission on this ____ day of _____, 20____.

Chairperson, Bennet Planning Commission

Section 11.04 Acceptance by Bennet City Council

ACCEPTANCE BY THE CITY COUNCIL OF BENNET, NEBRASKA

This plat of _____
was approved by the City Council of the City of Bennet, Nebraska on this ____ day of _____, 20____, in accordance with the State Statutes of Nebraska.

(City of Bennet SEAL)
Mayor

ATTEST:

City Clerk

Section 11.05 Review of Lancaster County Surveyor

REVIEW OF LANCASTER COUNTY SURVEYOR

This plat of _____
was reviewed by the office of Lancaster County Surveyor on this ____ day of _____, 20____.

Lancaster County Surveyor
(SEAL)

Section 11.06 Administrative Plat Approval

APPROVAL OF ADMINISTRATIVE PLAT

This Administrative Plat was approved by the City of Bennet on this ____ day of _____, 20____.

City Clerk

Mayor

Zoning Administrator
(City of Bennet SEAL)

Section 11.07 Owners Certification

OWNERS CERTIFICATION

I/we, the undersigned owner(s) of the real estate shown and described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the City of Bennet, Nebraska (delete previous phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All streets and alleys shown and not heretofore dedicated are hereby

dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows:

_____.

There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of a public utility or the City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature of Owner

Signature of Owner

Printed name

Printed name

Date

Date

Section 11.08 City of Bennet Engineer Approval

THE FORGEONING FINAL PLAT WAS APPROVED BY THE CITY OF BENNET ENGINEER

On this _____ Day of _____, 202_

City of Bennet Engineer

Section 11.09 Lien Holder Consent and Subordination

THE UNDERSIGNED HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS _____ (HEREAFTER "PLAT"). SAID LIEN BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF LANCASTER COUNTY, NEBRASKA AS INSTRUMENT NO. _____ (HEREAFTER "LIEN"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY (SEWER, WATER, ELECTRIC, CABLE TV, TELEPHONE, NATURAL GAS) EASEMENTS, OR STREETS, OR ROADS, PEDESTRIAN WAY EASEMENTS, AND ACCESS EASEMENTS AND RELINQUISHMENTS OF ACCESS, DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE ASSIGNED CONFIRMS THAT IT IS THE HOLDER OF THE LIEN AND HAS NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

{Holder of the Lien}

BY: _____

PRINTED NAME

Title

ARTICLE 12: LEGAL STATUS PROVISIONS

Section 12.01 Severability

Should any article, section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 12.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of these regulations.

Section 12.03 Repeal of Conflicting Regulations

All Regulations or parts of Regulations in conflict with this Regulations, or inconsistent with the provisions of this Regulations, are hereby repealed to the extent necessary to give these Regulations full force and effect.


Section 12.04 Effective Date

This Regulations shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Bennet, Nebraska,

This 13th day of March 2023.

ATTEST:


City Clerk


Mayor

