

**City of Tecumseh**  
**Johnson County, Nebraska**

**Subdivision Regulations**

ADOPTED BY THE CITY OF TECUMSEH, NEBRASKA  
2001

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**ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.**

**Section 1.01 Name and Citation of Titles.**

This regulation shall be known, referred to and cited as the "Subdivision Ordinance" of Tecumseh, Nebraska.

**Section 1.02 Purpose.**

The purpose of this Ordinance is to provide for the orderly development of Tecumseh and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts; open spaces; adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety and convenience of the community.

**Section 1.03 Definitions.**

For the purpose of this Ordinance, certain words used herein are defined as follows:

- 1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter from the titleholder of record authorizing the person to represent the legal owner of the property.
- 1.03.02 **ALLEY** shall mean a public thoroughfare that affords only secondary access to property abutting thereon.
- 1.03.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.
- 1.03.04 **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 Ordinance.
- 1.03.05 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac, the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back or where the width of said lot meets the minimum required width for the zoning district, which ever is greater.
- 1.03.06 **BUILDING INSPECTOR** shall mean the Building Inspector of the City of Tecumseh.
- 1.03.07 **CITY** shall mean the City of Tecumseh, Nebraska. Also, City Council or governing body.
- 1.03.08 **CITY COUNCIL** shall mean the governing body for the City of Tecumseh, Nebraska.
- 1.03.09 **CITY ENGINEER** shall mean the City Engineer of the City of Tecumseh retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City.
- 1.03.10 **CLERK** shall mean the City Clerk of the City of Tecumseh, Nebraska.
- 1.03.11 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Tecumseh, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of Tecumseh.
- 1.03.12 **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.
- 1.03.13 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.
- 1.03.14 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.

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- 1.03.15 **DEVELOPER**. See "Subdivider".
- 1.03.16 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.
- 1.03.17 **ENGINEER, CITY** shall mean the engineer ordinarily retained by Tecumseh, Nebraska, for the recommendation, advice and execution of engineering work as requested by the City.
- 1.03.18 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.
- 1.03.19 **FLOODWAY** shall mean the cross-sectional area or channel of a stream or river with the capacity needed to hydrologically convey the flood flows produced by a 100-year frequency storm.
- 1.03.20 **FRONTAGE ROAD** shall mean a Minor street 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.
- 1.03.21 **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.
- 1.03.22 **LOT** shall mean a parcel, tract or area of land created in conformance with this Ordinance that may be separately owned, used, developed or built upon.
- 1.03.23 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.
- 1.03.24 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.03.25 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 1.03.26 **LOT, FLAG** shall mean those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
- 1.03.27 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.03.28 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.03.29 **LOT LINE** shall mean the boundary line of a lot.
- 1.03.30 **LOT MINIMUM AREA** shall mean the minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.
- LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

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- 1.03.32 **LOT PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Johnson County.
- 1.03.33 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Johnson County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this Ordinance.
- 1.03.34 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.
- 1.03.35 **LOT, WIDTH OF** 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.
- 1.03.36 **MASTER PLAN** See Comprehensive Development Plan.
- 1.03.37 **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.
- 1.03.38 **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.
- 1.03.39 **PLANNING COMMISSION** shall mean the Planning Commission of Tecumseh, Nebraska.
- 1.03.40 **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 1.03.41 **PLAT, FINAL** shall mean the final plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this Ordinance.
- 1.03.42 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this Ordinance.
- 1.03.43 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.03.44 **STREET** shall mean public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments.
- 1.03.45 **STREET, COLLECTOR** shall mean a street or highway that 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 as designated in the Comprehensive Development Plan.
- 1.03.46 **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.

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- 1.03.47 **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 1.03.48 **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.
- 1.03.49 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.
- 1.03.50 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.03.51 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of Tecumseh as amended from time to time.

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## **ARTICLE 2: GENERAL PROVISIONS**

### **Section 2.01 General Provisions; Purpose.**

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the City and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

### **Section 2.02 General Provisions; Jurisdiction.**

The provisions of this Ordinance shall apply to all land located within the legal boundaries of the City, as the same may be amended by subsequent annexation, and shall also include all land lying within one (1) mile of the corporate limits of the City, and not located in any other Municipality.

### **Section 2.03 General Provisions; 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 (R.R.S. 1997) and the provisions of the 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 City incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. §19-916 (R.R.S. 1997).

### **Section 2.04 Applicability.**

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, 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 ten (10) acres in area shall be exempt from this Ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

### **Section 2.05 General Provisions; Interpretation.**

In interpreting and applying this Ordinance, 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 General Provisions; Conflict.**

No final plat of land within the force and effect of the existing Zoning Regulations 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 or ordinances, the most restrictive shall apply.

### **Section 2.07 General Provisions; Zoning Permits.**

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

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**Section 2.08 General Provisions; Amendments.**

Any provisions of this Ordinance 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 (1) time, ten (10) days prior to such hearing.

**Section 2.09 General Provisions; 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 this Ordinance, 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 this Ordinance 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 resubdividing 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 Platting and Subdivision Fees**

The governing body of the municipality under separate Resolution shall set all subdivision and platting fees.

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## **ARTICLE 3: PROCEDURES**

### **Section 3.01 Procedure for Filing Pre-application Plans And Data.**

Pre-application Plans and Data: Prior to the filing of an application for approval of a preliminary plat the subdivider may submit to the Planning Commission plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

- 3.01.01 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 3.01.02 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.

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 this Ordinance and shall describe any inconsistencies with the requirements of this Ordinance. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the Preliminary Plat.

### **Section 3.02 Procedure for Approval of Preliminary Plat.**

- 3.02.01 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 Tecumseh or which is within a one mile limit of the City of Tecumseh or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat of said subdivision with the Tecumseh Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of 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.
- 3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this Ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 3.02.03 Ten (10) Copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of this Ordinance shall be submitted to the City Clerk at least thirty (30) days prior to the meeting when the subdivision is within the Corporate Limits of Tecumseh; and thirty (30) days prior to the meeting when the subdivision lies in the unincorporated areas of Tecumseh's Zoning Jurisdiction. The Clerk shall distribute one (1) copy of the Preliminary Plat with a request for comments within five (5) working days to each of the following:
  - City Engineer,
  - Superintendent of Schools,
  - City Fire Department,
  - Rural Fire District, if applicable,
  - Police Department,
  - Tecumseh Utility Department,
  - Telecommunication companies,
  - Nebraska Department of Roads, if applicable,
  - Nebraska Department of Environmental Quality, if applicable,
  - Nebraska Department of Health and Human Services, if applicable,
  - Johnson County Joint Planning Commission, if located outside the corporate limits, and
  - Wherever else deemed necessary by the Planning Commission.
- 3.02.04 The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a newspaper of general circulation in Tecumseh, Nebraska, and will (1) review the preliminary plat and other material submitted for conformity thereof to this Ordinance and (2) review any recommendations of the entities identified in Section 3.02.03 and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him.

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The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

- 3.02.05 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.
- 3.02.06 The action of the Planning Commission shall be noted on or attached to two (2) Copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
- 3.02.07 If the Planning Commission recommends disapproval or approval, then the clerk will order Notice of Hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the Hearing in a paper of general circulation. The City Council 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 to the Planning Commission.
- 3.02.08 Procedure for approval of Preliminary Plats of land within one (1) mile of the corporate limits shall be the same. However, one (1) copy of the Preliminary Plat shall be referred to the Johnson County Joint Planning Commission with a request for their recommendations to be submitted to the Tecumseh Planning Commission. The Tecumseh Planning Commission shall not take final action on the Plat prior to receiving a recommendation from the Johnson County Joint Planning Commission. If no recommendation is received within twenty-eight (28) days, the Preliminary Plat shall be deemed approved by the Johnson County Joint Planning Commission.
- 3.02.09 Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision 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 twelve (12) months from the date of such approval, unless a Final Plat for a specific phase has begun as previously proposed and approved.

### **Section 3.03 Preliminary Plat Specifications.**

The Preliminary plat shall be drawn to a scale of one (1") inch to one hundred (100') feet; shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion.
- 3.03.03 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible for the subdivision layout; and the names of all landowners abutting the proposed subdivision.
- 3.03.04 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.
- 3.03.05 Width and location of platted streets and alleys within or adjacent to the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five (5') 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)
- 3.03.06 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
- 3.03.07 The location and width of proposed streets, easements, building setback lines, Rights of Way, pavement width and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by this Ordinance.
- 3.03.08 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.

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- 3.03.09 Draft copy of the subdivision agreement
  - 3.03.10 The subdivider or subdividers representative shall be in attendance at the Tecumseh Planning Commission Meeting when Preliminary Plat is discussed.
  - 3.03.11 When required, two (2) prints of the following to be delivered to the City Engineer for review:
    - 1. A sanitary sewer plan.
    - 2. A surface storm drainage plan, if necessary, within the subdivision.
    - 3. A street profile plan with a statement of proposed street improvements.

**Section 3.04 Procedure for Approval of Final Plat**

- 3.04.01 Prior to Final Approval, the subdivider shall have completed all required public improvements and provide security as per Section \*\*\*\*\*
- 3.04.02 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.
- 3.04.03 The Final Plat shall be submitted to the Planning Commission for approval at least thirty (30) days prior to the meeting at which it is to be considered.
- 3.04.04 One (1) reproducible copy and ten (10) copies of the original shall be prepared as specified in this Ordinance.
- 3.04.05 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 Johnson County Clerk, the reproducible copy with the City Clerk, and the two (2) Copies of the original with the Planning Commission.
- 3.04.06 The Final Approval by the City Council shall be by Ordinance after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of this Ordinance.

**Section 3.05 Final Plat and Required Specifications.**

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat drawn to a graphic scale of 1" = 100', prepared by a registered engineer or registered land surveyor for recording purposes and shall submit:

- 3.05.01 Final Plat, in conformance with the approved preliminary plat, shall include:
  - 1. Name of subdivision.
  - 2. Date, north arrow and graphic scale.
  - 3. 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.
  - 4. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
  - 5. Names and widths of the streets, and block and lot numbers.
  - 6. Location of lots, streets, 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.
  - 7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or iron rod, with a minimal diameter of 5/8 inch and minimal length of 24 inches.
  - 8. A notarized dedication 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.
  - 9. A certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
  - 10. A form for the approval of the Planning Commission.

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11. A form for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk.
  12. A legal description of the perimeter of the subdivision.
  13. A form for Acknowledgment by Notary.
  14. A form for Certificate of County Register of Deeds.
  15. One copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.

3.05.02 Final Plat shall then be submitted to the City Council at their regular meeting for approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least ten (10) days prior to the Hearing in a paper of general circulation.

**Section 3.06 Plats Outside Corporate Limits.**

Procedure for approval of Preliminary and Final Plats of land within one (1) mile of the corporate limits shall be the same as set forth in this Article. However, one (1) copy of the Preliminary Plat shall be referred to Johnson County Joint Planning Commission with a request for their recommendations to be submitted to the Tecumseh Planning Commission. If no recommendation is received from Johnson County Joint Planning Commission within twenty-eight (28) days the Plat shall be deemed approved by the Johnson County Joint Planning Commission.

**Section 3.07 Vacation of Plat of Record.**

3.07.01 A subdivider may make application to the Planning Commission to vacate any plat of record under the following conditions:

1. The Plat to be vacated is a legal plat of record.
2. 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.
3. Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.

3.07.02 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, it shall then be recorded in the office of the Johnson County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

**Section 3.08 Replats/Small Tract Subdivision.**

Whenever a subdivision or resubdivision of a parcel consists of four (4) 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 this Ordinance.

Concurrent Plats shall:

- 3.08.01 Be discussed with the Planning Commission at a scheduled pre-application Conference, as set out in Section 1 of this article,
- 3.08.02 Be submitted to the City Clerk at least twenty-one (21) days prior to the next regular meeting of the Planning Commission at which request is to be heard,
- 3.08.03 Be accompanied by the applications fees and completed application forms as required,
- 3.08.04 Follow the procedure set forth for herein and contain the required information Preliminary and Final Plats,
- 3.08.05 Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems,
- 3.08.06 Exceptions: Drainage reports shall not be required for the following:
  - 1 Subdivision of existing tax lots that are primarily developed;
  - 2 Subdivision of a farmstead that creates not more than two (2) lots and allows for the split

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- of the main residence from the remaining farmstead.
3. Acreages where lots are not less than one (1) acre in size.
- 3.08.07 Changes required by the Planning Commission shall be made prior to submission to governing body. Final plans shall be submitted to the City Clerk at least fifteen (15) days prior to the next regular meeting of the Governing Body.
- 3.08.08 A final plat, in conformance with Section 5, shall be submitted to the City Council for review and action prior to start of construction. Such hearing shall be published with notice at least ten (10) days prior to the Hearing in a paper of general circulation.

**Section 3.09 Lot Splits.**

- 3.09.01 The intent of this section is to provide for the issuance of zoning/building permits in lots divided into not more than four (4) tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without replatting. The Zoning Administrator shall review all lot splits and forward his or her recommendations to the City Council. The City council shall then review the lot split application and make a final determination. The City Council may approve or disapprove lot splits in accordance with the following regulations.
- 3.09.02 Requests for lot split approval shall be made by the owner of the land to the City Clerk. Five (5) copies of a scale drawing of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, Five (5) copies of a survey of the lot(s) and the location of the structures(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.
- 3.09.03 Approval or disapproval of lot splits shall be made, based on the following guidelines:
1. No lot split shall be approved if:
    - a. A new street or alley is needed or proposed.
    - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
    - c. If 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 this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
    - e. All easement requirements have not been satisfied.
    - f. If such split will result in a tract without direct access to a street.
    - g. A substandard-sized lot or parcel will be created.
    - h. If the lot has been previously split in accordance with this Ordinance.
  2. No lot splits 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 ordinance requirements concerning minimum areas and dimensions of such lots.
  3. The Zoning Administrator and City Council may make recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations.
  4. The City Council, in writing, may either approve, with or without conditions, or disapprove the lot split. The City Council shall sign and furnish a certificate of approval to be affixed to the lot split survey, if applicable, and a certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.
- 3.09.04 The filing fee for lot splits shall be set by the Governing Body.

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## **ARTICLE 4: DESIGN STANDARDS**

### **Section 4.01 Minimum Design Standards.**

No subdivision shall be approved unless it is in conformance with the requirements of this Ordinance 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 with 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.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit and the preliminary plat shall show, a logical future street and utility system and logical resubdivision.

### **Section 4.02 Design Standards; 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 radius of at least twenty-five (25) feet or other approved design.

### **Section 4.03 Design Standards; Companion Easements**

In order to promote on-site management of surface drainage or other public dedications, a developer may propose the use of companion easements in lieu of a portion of the required right-of-way for local or collector streets. Such easements shall be for utilities or other public purposes and shall be allowed in proportion to dedicated areas. Such easements may be authorized by the City Council where:

- 4.03.01 The proposed subdivision contains sufficient area and design that approval of the option will not create a potential problem in the construction of streets,
- 4.03.02 Where areas for storm drainage control or public purpose are dedicated by easement or where a homeowners association is created and approved to provide perpetual maintenance of such common areas or where the City accepts dedication to the public,
- 4.03.03 The required rights-of-way are of sufficient width to accommodate future traffic needs consistent with the recommendations of the Comprehensive Development Plan and the standards set forth herein.

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**Section 4.04 Design Standards; 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 this Ordinance. Access to lots located on arterials shall be approved by the City.

Frontage roads or marginal access streets shall be required by the Planning Commission for subdivisions fronting on arterial streets where possible. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

**Section 4.05 Design Standards; 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 this Ordinance. 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 (1/2) of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. Dedication of one-half (1/2) of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

**Section 4.06 Design Standards; Intersections.**

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Commission may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of right-of-way or such arterial street.

**Section 4.07 Minimum Design Standards; Curves in Streets; Horizontal and Vertical.**

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in schedule A of this ordinance.

**Section 4.08 Design Standards; Street Grades and Elevations.**

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. For adequate drainage, the minimum street grade shall not be less than four tenths (0.4' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not serve to increase flood elevations more than one foot (1'). Street grades shall conform to the minimum requirements provided in Schedule A of this Ordinance.

**Section 4.09 Design Standards; Frontage Roads/Marginal Access Streets.**

Where a subdivision fronts on or contains an existing or proposed arterial street, the Planning Commission shall require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the rear of the lots, or such other treatment as may be 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.

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Marginal access streets shall be required by the Planning Commission for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

**Section 4.10 Design Standards; Street Jogs.**

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

**Section 4.11 Design Standards; Cul-de-sac Streets.**

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than five hundred (500) feet and shall provide a turnaround having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the right-of-way of at least sixty-five (65) feet. Alternative designs for temporary turn-arounds may be approved by the City.

**Section 4.12 Design Standards; Street Names.**

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. 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 4.13 Design Standards; Private Streets and Reserve Strips.**

New private streets may be created as part of a planned unit development district provided such streets are specifically authorized by the Planning Commission and City Council as an exception to the terms of the Ordinance. 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 this Ordinance.

**Section 4.14 Design Standards; Blocks.**

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed six hundred (600) feet. Pedestrian easements ten (10) feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for pedestrian circulation.

**Section 4.15 Design Standards; Lots.**

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall be developed to channel surface drainage to lot lines and not across adjacent properties. Corner lots for residential uses shall have additional 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 by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to street lines.

**Section 4.16 Design Standards; Through (Double Frontage) Lots.**

Double frontage 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 ten (10) feet in width shall be provided along the line of lots abutting such arterial street and 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 4.17 Design Standards; Easements.**

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet in width - ten feet each side of lot line. A minimum of a ten (10) foot, five (5) foot on each side of a side yard setback line shall be allowed in those zoning districts that require only a five (5) foot side yard.

Where a subdivision is traversed by a water course, there shall be provided a storm water easement or

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drainage right-of-way conforming substantially with the lines of such water course and such further width as will be adequate for the purpose of retaining the water handling capacity of the water course.

**Section 4.18 Design Standards: Storm Sewer System.**

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not be increased by more than 25% of the pre-development runoff rate at any time following post development, based upon a 10 year storm event. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops. In determining the size or type of storm sewer system the design shall be sufficient to handle all computed runoff at the point in question. For large drainage areas, the City may require cross drainage structures such as culverts, bridges, etc.

**Section 4.19 Design Standards: 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 within flood hazard areas shall be flood proof in accordance with the flood hazard provisions.

**Section 4.20 Design Standards: 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 regulations unless waived by the Planning Commission and City Council in accordance with this Ordinance. Whenever there is a variance between the minimum standards set forth in this Ordinance and those contained in other regulations the highest standard shall govern.

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## **ARTICLE 5: REQUIRED IMPROVEMENTS**

### **Section 5.01 Required Improvements; General.**

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the Planning Commission and City Council upon recommendation of the City Engineer.

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 Environmental Quality and the Nebraska Department of Health shall be the minimum standards required thereof.

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

### **Section 5.02 Required Improvements; Monuments and Markers.**

Monuments and markers placement shall be as follows:

Concrete monuments 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.

### **Section 5.03 Required Improvements; Monument Construction.**

Monumentation shall meet or exceed the "Minimum Standards for Surveys" 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 inch (5/8) and minimal length of twenty-four inches (24). 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 5.04 Required Improvements; Street Grading and Construction.**

All streets shall be graded to a minimum fifteen (15) feet back of the curb or edge of pavement and to within six (6) inches of the street grade established in the approved final plat construction plans and specifications. When using curb and gutter, the graded slope shall be a minimum of 2% toward the street.

Higher design standards may be required by the Planning Commission and City Council to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless accepted by the Planning Commission in accordance with the terms of this Ordinance.

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**Section 5.05 Required Improvements; Street Signs and Lighting and Electrical Power.**

Developer shall install at least one (1) street sign 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 (6) inches from said sidewalk or its intended location. The developer shall provide and install street lights 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 Tecumseh Public Power, Omaha Public Power District (Subsequent providers) and/or City Engineer.

New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.

**Section 5.06 Required Improvements; 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 major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision.

**Section 5.07 Required Improvements; Drainage.**

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. Culverts shall be constructed and installed whenever necessary as determined by the Planning Commission to provide adequate drainage in accordance with recommendations of the City Engineer. In addition, the developer shall submit, unless specifically waived by the Planning Commission, a drainage report prepared by a registered professional engineer or surveyor as to the existing and proposed drainage conditions. A preliminary report shall be included on the preliminary plat. The final 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.

5.07.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

5.07.02 The final plat drainage report shall contain:

1. 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.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm.

5.07.03 The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers determined to be necessary by the Planning Commission upon recommendation of the City Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the City Engineer.

5.07.04 All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches.

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Curb drainage inlets shall be provided at intervals along streets with curbs and gutter drainage contingent upon City Engineer approval. Where inlets connect to storm sewers, a drain inlet structure and a protective grating where required.

All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.

All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

Culvert Sizes shall be as follows:

Driveways – 15 inches

Streets – 18 inches

5.07.05 The City of Tecumseh will review all storm drain design criteria. In addition, the City of Tecumseh may participate in the costs associated with providing adequate storm drainage.

**Section 5.08 Required Improvements; Sidewalks**

For the safety of pedestrians in residential and commercial subdivisions, the subdivider shall construct Portland cement concrete sidewalks at one (1) foot from the property line on both sides of the street to meet the following specifications:

**5.08.01 Single Family or Duplex Dwelling Units**

Four (4) feet wide and four (4) inches thick

**5.08.02 Multi-family or Group Housing Developments**

Five (5) feet wide and four (4) inches thick

**5.08.03 Commercial Developments**

Twelve (12) feet wide and four (4) inches thick

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## **ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND**

### **Section 6.01 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 6.02 Reservation and Dedication of Public Land and Open Space.**

Before preliminary or final plat approval is given, the Planning Commission and City Council may require the subdivider to reserve sites for parks, playgrounds, open space, schools, and other public land consistent 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 (2) years from the date the plat is officially recorded unless otherwise provided for in this Ordinance. If such reserved site is not acquired by the City or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the 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.

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## **ARTICLE 7: IMPROVEMENT PROCEDURE**

### **Section 7.01 Improvements Financing, General.**

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

- 7.01.01 All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.
- 7.01.02 The developer shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.

### **Section 7.02 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 Council.

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 this Ordinance and approved by the Planning Commission and City Council in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one (1) or more of the guarantees set forth in Section 7.03 or 7.04 below.

### **Section 7.03 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 one hundred ten (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 this Ordinance.

### **Section 7.04 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 one hundred ten (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 himself guaranteeing the following:

- 7.04.01 That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledge by the Subdividers as security in any other matter during that period.
- 7.04.02 That 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 7.05 Reserved for Future Use**

### **Section 7.06 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. Such deadlines shall not exceed two (2) years from the date of Final Plat approval, provided, however the City Council may extend that deadline for one (1) 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.

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**Section 7.07 Installation of Improvements.**

Developers shall:

7.07.01 Install required improvements upon acceptance of plans and specifications being approved by the City Council.

**Section 7.08 Plan 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, but such costs shall not exceed one (1%) percent of the total contracted cost for improvements in the subdivision.

**Section 7.09 Failure to Complete Improvements.**

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 7.10 below 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 (1) of the following:

7.09.01 Where improvements have been guaranteed under Section 7.03 of this Ordinance, the bond shall be forfeited to the City.

7.09.02 Where improvements have been guaranteed under Section 7.04 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited to the City.

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 7.10 Inspection and Certification.**

The City Engineer or other authorized person shall regularly inspect condition of required improvements for defects. Upon completion of the improvements, the City Engineer or other authorized person shall file with the City Council a statement either certifying that the improvements are as approved or a statement in which conditions do not meet the requirements of the approved improvements plans and specifications.

Upon completion of the improvements, the subdivider shall file with the City Council a statement stipulating the following:

7.10.01 That all required improvements are complete.

7.10.02 That these improvements are in compliance with the minimum standards specified by the Planning Commission and City Council.

7.10.03 That the subdivider knows of no defects from any cause in the improvements.

7.10.04 That these improvements are free and clear of any encumbrances or lien.

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

**Section 7.11 Reduction of Guarantees.**

In those cases where improvement guarantees have been made under Section 7.03 or 7.04 of this Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 of the dedication and acceptance of a portion of the improvements.

**Section 7.12 Release of Guarantee.**

Upon acceptance, in accordance with Section 7.01 and 7.02 of this Ordinance, the City Council shall authorize the release of the performance bond or the remaining portion of the escrow.

**Section 7.13 Operation and Maintenance.**

It is the intention of the City to provide no services other than administration of the Comprehensive Development Plan, Zoning Ordinance and Subdivision Ordinance requirements within the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to

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present to the Planning Commission and City Council, 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 Council.

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## **ARTICLE 8: VARIANCES, ANNEXATIONS, AMENDMENTS**

### **Section 8.01 Granting of Waivers (Exceptions) and Conditions.**

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the City Council may grant waivers from the provisions of this Ordinance, 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 8.02 Planned Unit Developments.**

The Planning Commission and City Council may also grant reasonable waivers to this Ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development. The subdivider shall indicate where the plans vary from the requirements of this Ordinance and shall present evidence to support such requests.

### **Section 8.03 Subdivision; Annexation of Adjoining or Contiguous Properties.**

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon approval of and acceptance by Ordinance.

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. Provide notice of time and place of separate Public Hearings for the Planning Commission and City Council as per Neb. Rev. Stat. Section §19-904 (R.R.S.1997) on inclusion of the subdivisions or additions within the Corporate Limits.
2. Said Public Hearing in Item 1, above, shall be separate from the hearings held to approve Final Plat of said subdivisions or additions.
3. Annexation shall only occur after the City Council has voted to approve said inclusion by a separate vote from the Final Plat approval.

### **Section 8.04 Subdivision; Petition for Annexation.**

Any subdivision in which there are lands dedicated to the City or any subdivision serviced by public utilities and immediately adjacent to the corporate limits shall be annexed to the City, prior to, approval for the final plat is given, the Governing Body shall receive a Petition for annexation from the owners of the subdivided properties.

### **Section 8.05 Amendments.**

Any provision of this Ordinance from time to time may be amended, supplemented, changed, modified or repealed by the Governing Body 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.

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## **ARTICLE 9: ADMINISTRATION/ENFORCEMENT**

### **Section 9.01 General**

The following apply towards administration of this Ordinance:

- 9.01.01 It shall be the duty of the Zoning Administrator to enforce this Ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 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 plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of this Ordinance, and filed for record with Johnson County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, 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 this Ordinance shall not be permitted. All such subdivisions shall be subject to all the requirements contained in this Ordinance.
- 9.01.04 No building 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 this Ordinance.

### **Section 9.02 Fees for Parks and Open Spaces.**

To aid the acquisition of parks and open spaces as needed or as indicated in the Comprehensive Development Plan, each residential subdivider shall deposit with the City Clerk, a sum set by the City Council, based on the total number of lots in the Final Plat. Where the subdivider dedicated land for a proposed park, playground, school or other public use, other than streets and alleys, and as provided the fees are waived equal to no more than fair market value as determined by the County Assessor, of the property dedicated. Any fees received shall be reserved and used for public park land acquisition.

### **Section 9.03 Amendments.**

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the City Council.

### **Section 9.04 Violation/Penalties.**

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of more than one hundred (\$100.00) plus the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

**SCHEDULE A: MINIMUM STREET STANDARDS**

Street Classifications	Minimum Right-of-Way (ft.)	Pavement Width (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC)
Arterial Street	100'	36'	2	6	700	400'
Collector Street	80'	32'	2	10	300	300'
Local Street	60'	27'	2	10	200	200'
Cul-De-Sac and Loop Street	60'	27'	2	10 (average)	100	300'
Marginal Access (Frontage Road) (No Parking)	50'	25'	2	8	100	300'
Minor Streets (No Parking)	50'	27'	2	10	200	200'

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be sixty-five (65') minimum pavement radius for the cul-de-sac turnaround shall be fifty (50') feet.
3. Developer shall not be responsible for providing improvements wider than 32' at his expense.
4. (VC) - Vertical Curve of road
5. The approach grade of intersecting streets should not exceed 3.0% within 70 feet of the nearest curb line of the intersected roadway.

**SCHEDULE B: CERTIFICATION AND DEDICATION STATEMENTS**

**SURVEYORS CERTIFICATION:**

I, \_\_\_\_\_ hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on \_\_\_\_\_, 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.

\_\_\_\_\_  
 (signature)  
 \_\_\_\_\_  
 (seal)

This plat of \_\_\_\_\_ Addition has been submitted to and approved by the Tecumseh Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Chair, Planning Commission

ATTEST:  
 Secretary of Planning Commission

This plat approved by the City Council of Tecumseh, Nebraska, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Mayor

ATTEST:

City Clerk  
 [A blank space for noting entry on the transfer record in the following form:]  
 Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Register of Deeds

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**OWNERS CERTIFICATION:**

I/We the undersigned \_\_\_\_\_ owner(s) of the real estate shown and  
(names)

described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to the City of Tecumseh, Nebraska (delete last 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 utility or 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).

Witness our Hands and this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**STATE OF NEBRASKA**

**COUNTY OF JOHNSON**

Before me, the undersigned Notary Public, in and for the County and State, personally appeared and each separately and severally acknowledges the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public Seal