

## ARTICLE IV. PLATS

### DIVISION 1. GENERALLY

#### Sec. 90-111. Filing fee.

(a) To defray partially the costs of notification, review, and administration procedures, there shall be paid to the administrative officer or designee at the time of submission of a preliminary plat or site plan, a fee in the following amount:

(1) *Residential subdivision.* \$50.00, plus \$2.00 per lot for R-1 single-family residential developments. For R-2 two-family residential developments and R-3 multiple-family residential developments, the fee shall be \$50.00 dollars plus \$1.00 per unit.

(2) *Commercial, industrial, or any development other than residential.* \$75.00 dollars plus \$5.00 per acre of commercial/industrial development.

(b) No action of the planning commission or mayor and board of aldermen shall be valid until the fee has been paid to the administrative officer or designee. This fee will be charged on all plats, regardless of the action taken, whether the plat is approved or disapproved. Any resubmittal of a revised plat involving a review by the planning commission will be subject to the same fee procedure as outlined above.

(c) When the city obtains the services of outside engineers or consultants to review plans and/or plats, the city will charge the developer/owner the additional costs not to exceed the actual charges of the outside professional.

(Ord. No. 727, 4-24-07)

#### Sec. 90-112. Lot split procedure.

(a) No lot split shall be recorded in office of the Douglas County Recorder of Deeds unless and until approved by the planning commission in compliance with this section.

(b) Whenever there is a tract or previously subdivided parcel under single ownership which is to be resubdivided into two lots, and which exists a legal lot of record, such a division shall be exempt from provisions of article IV of these regulations, and shall be designated as a "lot split" if the following criteria are met:

(1) No additional improvements are required that would necessitate the posting of escrow or bond, including concrete sidewalks, sewer mains, water mains, and landscaping within a street right-of-way dedication. Establishment of a right-of-way only shall not be construed as an improvement in this section.

(2) No provisions for common land or recreational facilities are included in the proposal.

(3) The use of the lot split procedure does not adversely affect the subject parcel or any adjoining properties.

(4) The proposed lot split is not in conflict with any provisions of the zoning code, of any special procedure permit, or of these regulations.

(5) No variances are required from these regulations.

(c) The procedure for approval of a lot split shall be as follows:

(1) Two (2) drawings of a certified survey, prepared by a land surveyor registered in the state on paper not less than eight and one-half inches by 11 inches in size showing the following shall be submitted:

- a. A legal description of both the original lot and each of the proposed lots. This must be surveyed and performed by a registered surveyor.
- b. North arrow and graphic scale.
- c. Location of proposed and existing streets and adjoining property.
- d. Location of all existing buildings.
- e. Within their jurisdiction, approval of any utility companies, other than the city, serving the lot.
- f. Name, address, and telephone number of the owner of record and a copy of the deed of record.

(2) The following items shall accompany the required survey:

- a. Filing fee as established by the city board of aldermen.
- b. Certificate from the office of the Douglas County Collector showing that there are no delinquent taxes outstanding.
- c. Verification of fire hydrants and adequacy of water supply from applicable fire protection district.
- d. Verification of proper placement of survey monuments from the city engineer, or an escrow agreement or land subdivision bond to guarantee installation of survey monuments.

(3) The planning commission shall review the proposed lot split to insure compliance with all design and improvement requirements of these regulations and the zoning code. Lot splits found to be in compliance with the above requirements shall be approved by the planning commission and shall be recorded with the Recorder of Deeds of Douglas County.

(Ord. No. 727, 4-24-07)

### **Sec. 90-113. Lot consolidation procedure.**

(a) When the recorded owner of two or more contiguous lots desires to consolidate lots, the owner shall indicate the proposed consolidation in writing to the administrative officer. No amended record plats are needed as long as the external boundary in question shall be used as one lot. However, an exhibit including the following information shall be provided:

- (1) Outboundary of the affected lots.
- (2) The recorded name of the subdivision, and book and page of the original record plat.
- (3) Lot numbers for each lot as established on the record plat.
- (4) The street(s) abutting the affected lots.
- (5) Other items as deemed necessary by the administrative officer.

(b) The letter requesting consolidation and the exhibit shall be approved by the administrative

officer and recorded with the Douglas County Recorder of Deeds. A recorded copy of the letter and exhibit shall be returned to the city.

(Ord. No. 727, 4-24-07)

### **Sec. 90-114. Boundary adjustment--Exceptions.**

(a) *Purpose.* The purpose of this section is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this section.

(b) Boundary adjustments must meet the following criteria:

(1) No additional lot shall be created by any boundary adjustment.

(2) The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by these regulations or the zoning code.

(c) *Procedure.*

(1) A boundary adjustment may be accomplished by plat or by deed, but must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.

(2) The boundary adjustment plat or deed shall be submitted to the city engineer for review and approval prior to its recording with the Recorder of Deeds of Douglas County.

(3) Processing fees as established by the city board of alderman shall be filed in conjunction with any boundary adjustment plat or deed.

(d) *Lots in noncompliance.* Boundary adjustments shall be allowed for lawful lots existing in noncompliance with minimum area, frontage, and dimensional requirements of these regulations of the zoning code, provided that the resulting adjustment of lot lines does not increase the degree of noncompliance with the zoning code and these regulations.

(Ord. No. 727, 4-24-07)

### **Sec. 90-115. Vacation of subdivision.**

The following procedure shall be followed for the vacation of subdivisions:

(a) Whenever any person may desire to vacate any subdivision of part therefor [or part thereof] in which he/she shall be legal owner of all of the lots, such person or corporation may petition the planning commission giving a distinct description of the property to be vacated and the names of the persons to be affected thereby.

(b) The petition shall be filed together with a filing fee as established by the city board of aldermen with the city engineer who shall give notice of the pendency of the petition in a public newspaper.

(c) If no opposition be made to petition, the planning commission may vacate the same with such restrictions as they may deem for the public good. If opposition be made, the petition shall be set down for public hearing before the board of aldermen, with a forwarded recommendation of action from the planning commission.

(d) If the applicant fails to resolve all noncompliance with improvements requirements as reported to the commission by the city engineer, the commission may limit the requested vacation to the undeveloped portion of the subdivision. For the purpose of this section, the undeveloped portion of the subdivision does not include lots which have

been sold or are under bona fide contract for sale to any person for personal use or occupancy.

(Ord. No. 727, 4-24-07)

### **Sec. 90-116. General layout and compliance.**

The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision, and the type of development contemplated in compliance with the applicable zoning ordinance and regulations. Such compliance shall include, but not be limited to, creating landlocked parcels as a result of the platting process.

(Ord. No. 727, 4-24-07)

Secs. 90-117--90-130. Reserved.

## **DIVISION 2. PRELIMINARY PLAT**

### **Sec. 90-131. Procedure.**

On reaching conclusions as recommended in the preapplication, regarding his general program and objectives, the subdivider shall have prepared a preliminary plat, together with improvement plans and other supplementary requirements in conformance with article V of this chapter. All preliminary plats and supplementary material specified shall be submitted at least ten days prior to the next regular meeting of the planning commission as follows:

- (1) Ten copies shall be submitted to the planning commission.
- (2) Two copies shall be provided each company providing water, electric or gas service.
- (3) The planning commission shall forward copies of the preliminary plat to the board of aldermen for its review.
- (4) Following review of the preliminary plat and other material submitted for conformity thereof to this chapter, the planning commission shall, within 60 days, act upon the submitted preliminary plat, 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, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the planning commission. The action of the planning commission shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other two retained by the planning commission.
- (5) Conditional approval of the preliminary plat shall not constitute approval of the final plat, but rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the planning commission, and for recording upon fulfillment of the requirements of this chapter and the conditions of the conditional approval, if any.
- (6) Prior to the approval of the preliminary plat, the planning commission may require due consideration by the subdivider for dedication or reservation of suitable sites for schools, parks, playgrounds or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the

recommendations of the planning commission in its comprehensive development plan of the city.

(Code 1977, § 43.300)

### **Sec. 90-132. Existing conditions and proposed development.**

Preliminary plats shall show existing conditions and proposals as follows:

- (1) *Scale.* The scale of the preliminary plat shall not be less than one inch equals 100 feet on a sheet size of 22 inches by 36 inches.
- (2) *Contents.* The preliminary plat shall contain the following information:
  - a. Proposed name of subdivision. Names shall not duplicate or closely resemble names of existing subdivisions.
  - b. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines, and any adjacent corporate boundaries, comprising a legal description of the property.
  - c. Names and addresses of the developer and the surveyor or landscape architect making the plat.
  - d. Date, northpoint and scale.
- (3) *Existing conditions.* Existing conditions shall be shown as follows:
  - a. Locations, width and name of each existing or platted street or other public way, railroad and utility right-of-way, parks and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivisions.
  - b. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or immediately adjacent thereto, with pipe size, grades and locations shown.
  - c. Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land.
  - d. Topography with contour intervals of not more than five feet, referred to city datum; also the locations of watercourses, ravines, bridges, lakes, wooded areas, approximate acreage and such other features as may be pertinent to the subdivision of the property.
  - e. Subsurface conditions on the tract if deemed necessary by the planning commission and the results of soil percolation tests if individual sewage disposal systems are proposed.
- (4) *Proposed development.* Proposed development shall be indicated as follows:
  - a. The location and width of proposed streets, roadways, alleys and easements.
  - b. The location and character of all proposed public utility lines, including sewers (storm and sanitary), as well as water, gas and power lines. If a community sewage treatment plant, or other type of community disposal system, is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for such community type sewage treatment or disposal system shall be shown and so identified on the preliminary plat.
  - c. Layout, numbers and approximate dimensions of lots.
  - d. Location and size of proposed parks, playgrounds, churches, school sites, or

other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

- e. Building lines with dimensions if required.
- f. Indication of any lots on which use other than residential is proposed by the subdivider.
- g. Any protective covenants proposed by the subdivider.
- h. Front yard setback lines according to the zoning ordinance of the city.

(Code 1977, § 43.310)

### **Sec. 90-133. Supplementary requirements.**

(a) A copy of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the centerline of the street. The location of proposed culverts and bridges shall also be shown.

(b) A vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings, shall be shown on the preliminary plat, or accompany it. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.

(Code 1977, § 43.320)

Secs. 90-134--90-155. Reserved.

## **DIVISION 3. FINAL PLAT**

### **Sec. 90-156. Procedure.**

The final plat shall conform substantially to the preliminary plat, as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms with all the requirements of this chapter. Such final plat shall be prepared by a registered engineer or surveyor as follows:

(1) One original final plat, which shall be clearly and legibly drawn, two reproducible prints, and six additional prints, shall be submitted to the planning commission at least ten days prior to the meeting at which it is to be considered.

(2) The submission of the first section of the final plat shall be within a period of not more than one year from the time of approval of the preliminary plat. If not so submitted, the approval shall automatically expire unless an extension of time is applied for and for good cause is granted by the planning commission.

(Code 1977, § 43.410; Ord. No. 729, § 1, 5-8-07)

### **Sec. 90-157. Contents.**

The final plat shall be clearly and legibly drawn at a scale of one inch to 100 feet on a 22-inch by 36-inch reproducible print. The following information shall appear on the final plat:

- (1) The name of subdivision (not to duplicate or closely approximate the name of any existing subdivision).
- (2) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must be mathematically close. The allowable error of closure on any portion of a final plat shall be one foot in 5,000.
- (3) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Monuments shall be located at the corners of all blocks and shall be of a material and size specified by the city.
- (4) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angles, points and points of curve to lot lines.
- (5) Lots shall be numbered clearly and in the center of each lot. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
- (6) The exact locations, widths and names of all streets to be dedicated.
- (7) Location and width of all easements to be dedicated.
- (8) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- (9) Setback lines on the front and side streets with dimensions.
- (10) Name and address of the developer and/or the owner and surveyor making the plat.
- (11) Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.
- (12) Statement dedicating all easements.
- (13) Statement dedicating all streets, alleys and other public areas not previously dedicated.
- (14) Certification by registered engineer or surveyor that details of the plat are correct.
- (15) Certificate of approval by planning commission.
- (16) Such other certificates, affidavits, endorsements or dedications as may be required by the planning commission in the enforcement of this chapter.
- (17) Certificate of approval of the board of aldermen.
- (18) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
- (19) Reference to protective covenants on subdivision or property, if any.

(Code 1977, § 43.420; Ord. No. 729, § 2, 5-8-07)

### **Sec. 90-158. Supplementary requirements.**

- (a) In addition to the final plat, cross sections and profiles of streets and drainage, showing grades approved by the city, shall be submitted to supplement the plat. The profiles shall be

drawn to city standard scales and elevations shall be based on a datum plane approved by the city.

(b) Upon filing of the final plat the subdivider shall pay fees in such amounts as established by the board of aldermen from time to time.

(Code 1977, § 43.430)

Secs. 90-159--90-190. Reserved.