

*Boone County, Nebraska*

*Subdivision Regulations*

1999

## TABLE OF CONTENTS

ARTICLE 1: TITLE .....	1
ARTICLE 2: INTENT AND PURPOSE .....	1
ARTICLE 3: AUTHORITY .....	1
ARTICLE 4: JURISDICTION .....	1
ARTICLE 5: APPLICABILITY .....	1
ARTICLE 6: EXEMPTIONS .....	2
ARTICLE 7: DEFINITIONS .....	2
ARTICLE 8: APPLICATION AND SKETCH PLAN .....	8
Section 1. General Application for Subdivision Approval .....	8
Section 2. Development of Sketch Plan .....	8
Section 3. Contents of Sketch Plan .....	8
Section 4. Failure to Agree on Sketch Plan .....	9
Section 5. Approval of Sketch Plan .....	9
ARTICLE 9: PRELIMINARY PLAT .....	10
Section 1. Contents of Preliminary Plat .....	10
Section 2. Supplementary Information .....	11
Section 3. Distribution and Review of Preliminary Plat .....	13
Section 4. Action by the Planning Commission on Preliminary Plat .....	13
Section 5. Failure of Planning Commission to Act on Preliminary Plat .....	14
Section 6. Effect of Approval of Preliminary Plat .....	14
ARTICLE 10: FINAL PLAT .....	15
Section 1. General .....	15
Section 2. Contents of Final Plat .....	15
Section 3. Supplementary Data .....	19
Section 4. Action by the Planning Commission .....	19
Section 5. Failure of Planning Commission to Act on the Final Plat .....	19
Section 6. Submission to Governing Body .....	19
Section 7. Failure of Governing Body to Act on Final Plat .....	19
Section 8. Filing of Final Plat .....	19
ARTICLE 11: APPROVAL OF PLATS FOR SMALL TRACTS .....	20
Section 1. Authorization .....	20
Section 2. Requirements .....	20
Section 3. Procedure for Approval .....	20

ARTICLE 12: LOT SPLIT CERTIFICATE .....	21
Section 1. General .....	21
Section 2. Change in Lot Boundary .....	22
ARTICLE 13: MINIMUM DESIGN STANDARDS .....	24
Section 1. General .....	24
Section 2. Land Subject to Flooding .....	24
Section 3. Land Subject to Excessive Erosion by Wind or Water .....	24
Section 4. Access .....	24
Section 5. Parks, Playgrounds, Open Space, Schools, and Public Facility Sites .....	24
Section 6. Streets - Layout and Design .....	25
Section 7. Alleys - Layout and Design .....	27
Section 8. Blocks - Layout and Design .....	28
Section 9. Lots - Layout and Design .....	28
Section 10. Easements .....	30
Section 11. Business, Commercial and Industrial Subdivisions .....	30
ARTICLE 14: INSTALLATION OF REQUIRED IMPROVEMENTS .....	31
Section 1. General .....	31
Section 2. Engineering Jurisdictions .....	31
Section 3. Staking .....	32
Section 4. Required Improvements .....	32
Section 5. Land Preparation .....	34
Section 6. Preservation of Land .....	35
Section 7. Exceptions for Existing Improvements .....	35
Section 8. Agreement, Bond, Deposit, and Petitions Guaranteeing Installation of Required Improvements. ....	35
Section 9. Compliance .....	37
Section 10. Vacation of Undeveloped Subdivision .....	38
Section 11. Subsequent Plats .....	38
ARTICLE 15: IMPROVEMENT PROCEDURES .....	39
Section 1. Submission of Required Agreements .....	39
Section 2. Final Improvement Plans .....	39
Section 3. Content of Engineering Drawings .....	39
Section 4. Review of Plans .....	39
Section 5. Approval by Planning Commission .....	40
Section 6. Construction of Improvements .....	40
Section 7. Inspection .....	40
Section 8. Inspection Procedures .....	40
Section 9. Final Inspection .....	40
Section 10. Report to Planning Commission and Governing Body .....	41
Section 11. Acceptance of Improvements .....	41

ARTICLE 16: APPEALS AND WAIVERS .....	42
Section 1. Appeals: General .....	42
Section 2. Appeals on Improvement Standards .....	42
Section 3. Waiver of Required Improvements of Guarantees of Installation of Same. ....	42
Section 4. Waivers: Unwarranted Hardship .....	42
ARTICLE 17: INTERPRETATION AND CONSTRUCTION .....	44
Section 1. General .....	44
ARTICLE 18: AMENDMENTS .....	44
ARTICLE 19: ADMINISTRATION, FILING FEES, ENFORCEMENT .....	45
Section 1. Division of Responsibility .....	45
Section 2. Duties of the Office of the Administrator .....	45
Section 3. Duties of the Boone County Planning Commission .....	45
Section 4. Duties of the Governing Body .....	45
Section 5. Filing Fees .....	46
Section 6. Required Permit .....	46
Section 7. Enforcement .....	46
ARTICLE 20: HEARING .....	46
ARTICLE 21: PENALTY .....	47
ARTICLE 22: SEVERABILITY CLAUSE .....	47
ARTICLE 23: REPEAL OF CONFLICTING RESOLUTIONS AND EFFECTIVE DATE .....	47

**BOONE COUNTY, NEBRASKA**

**SUBDIVISION REGULATIONS**

Resolution No. \_\_\_\_

**ARTICLE 1: TITLE**

These regulations shall be known as the Boone County Subdivision Regulations.

**ARTICLE 2: INTENT AND PURPOSE**

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

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

**ARTICLE 3: AUTHORITY**

The requirements and recommendations set forth herein are designed to encourage orderly growth for Boone County through responsible land subdivision, and are adopted under authority established by State law.

**ARTICLE 4: JURISDICTION**

These regulations shall apply to all subdivisions of land within the subdivision jurisdiction of Boone County---all unincorporated areas outside the exercised subdivision jurisdiction of municipalities.

**ARTICLE 5: APPLICABILITY**

Every owner of any lot, tract, or parcel of land within Boone County, Nebraska, outside the subdivision jurisdiction of any city or village, who may hereafter subdivide the same into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development (except that the division of land shall not be considered to be subdivision when the smallest parcel of land created is more than ten (10) acres in area) shall submit a subdivision plat to the County Board in accordance with this resolution and comply with all other provisions of this resolution.

The requirements of these regulations shall apply to any owner or owners desiring to:

- A. Divide or further divide land, or
- B. Otherwise alter the boundaries of lots or parcels of land, or
- C. Vacate streets or alleys, or
- D. Dedicate land for use as streets, alleys or sidewalks, or for other public or private purposes, except in compliance with the provisions of these regulations.

#### ARTICLE 6: EXEMPTIONS

Notwithstanding the requirements of Articles 3 through 5, this Article shall not apply in the following instances or transactions:

- A. The division or further division of land into lots or parcels, each of which contains more than ten (10) acres, where such subdivision does not involve the creation of any new streets or easements of access as may be determined by the Planning Commission;
- B. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons, and does not create an additional lot;
- C. A conveyance of land or interest therein for use as right-of-way by railroad or other public utilities subject to state or federal regulation, where no new street or easement of access is created;
- D. A conveyance made to correct a description in a prior conveyance;  
Any transfer by operation of law;
- F. Any lot split or vacation approved in accordance with these regulations;
- G. A conveyance of land to any governing body for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

#### ARTICLE 7: DEFINITIONS

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

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

Alley: Shall mean a dedicated public right-of-way, the right-of-way of which is twenty (20) feet or less in width, other than a street, which provides only a secondary means of access from the abutting property, to the street.

Arterial Street: Shall mean any street serving major traffic movements, which is designed primarily as a traffic carrier between municipalities or between various sections of the county, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.

Benchmark: Shall mean a relatively permanent object, natural or artificial, having a marked point, whose elevation above or below an adopted datum is known or assumed. Common examples are metal disks set in concrete, reference marks chiseled on large rocks, non-movable parts of fire hydrants, curbs, etc.

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

Building Setback Line (Front): Shall mean a line nearest the front of, and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure, and the line of the fronting street right-of-way.

Collector Street: Shall mean any street designed primarily to gather traffic from local or residential streets, and efficiently carry it to the arterial system.

Comprehensive Plan: Shall mean the County Comprehensive Development Plan of Boone County, Nebraska, as adopted by the County Board of Commissioners, setting forth policies for the present and foreseeable future community welfare as a whole, and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time to time, be amended.

County: Shall mean the County of Boone, Nebraska.

County Board: Shall mean the County Board of Commissioners of Boone County, Nebraska.

Crosswalk: Shall mean a strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

Cul-de-sac: Shall mean a street having one (1) end connecting with a public street (only one [1] outlet), and being terminated at its other end by a vehicular turn-around.

Dead-End Street: Shall mean a street having only one (1) outlet.

Design Standards or Design Requirements: Shall mean all requirements and regulations relating to design and layout of subdivisions contained in Article 12 of these regulations.

Dwelling, Single-family: Shall mean a building having one (1) dwelling unit, and accommodations for or occupied exclusively by, one (1) family, excluding mobile homes, but including manufactured homes which meet all of the standards set forth in §23-114 R.R.S. 1943, as the same may be amended from time to time, and which meet the following standards:

- a) The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single-story construction.
- b) The home shall have no less than eighteen (18) feet exterior width.
- c) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
- d) The home shall have a non-reflective roof material which is, or simulates, asphalt or wood shingles, tile, rock, or approved standing seam/ribbed metal roof.

- ) The home shall be placed on a continuous, permanent foundation, and have wheels, axles, transporting lights, and removable touring apparatus removed; and,
- f) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

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

Expressway: Shall mean any divided street or highway with no access from abutting property, and which has either separated or at-grade access from other public streets and highways.

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

Freeway: Shall mean any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

Frontage: Shall mean that portion of a lot, parcel, tract, or block abutting upon a street.

Frontage Lot: Shall mean that portion of the frontage which lies between the side lot lines of a single lot.

Frontage Road: Shall mean a public or private marginal access roadway generally paralleling and contiguous to a street or highway, and designed to promote safety by eliminating unlimited ingress and egress of such street or highway, by providing points of ingress and egress at more-or-less uniformly-spaced intervals.

Governing Body: Shall mean the elected Board of Commissioners of Boone County.

Half Street: Shall mean a street bordering one (1) or more property lines of a subdivision tract to which subdivider has allocated only a portion of the ultimate and intended street width.

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

Improvements: Shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water motors, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation. Improvements shall include all facilities listed in Article 14 of these regulations.

Limited Access Highway: Shall mean an expressway or freeway, as defined in these regulations.

Local Commercial Street: Shall mean any street designed primarily to provide access to abutting commercial property.

Local Industrial Street: Shall mean any street designed primarily to provide access to abutting industrial property.

Local Residential Street: Shall mean any street designed primarily to provide access to abutting single-family residential property.

Lot: Shall mean a parcel of land occupied by, or suitable for occupation by, one (1) main building, or a unit group of buildings where specifically authorized within a zoning district, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this regulation, and



having its principal footage upon, and access to, a public street, improved road, or approved place. A lot as used herein may consist of one (1) or more platted lots, or tracts, as conveyed, or parts thereof when authorized by this Regulation.

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

Lot, Double Frontage: Shall mean a lot which runs through a block, from street to street, and which has two (2) non-intersecting sides abutting on two (2) or more streets.

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

Lot Split: Shall mean the dividing or redividing of a lot or lots in a recorded plat of a subdivision, which meets the criteria established within these regulations.

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

Lot Area: Shall mean the total area within the lot lines of a lot designated either in square feet or acres.

Lot Depth: Shall mean the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

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

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

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

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

Lot Width: Shall mean the horizontal distance between side lines, measured at the minimum front yard setback line.

Lot of Record: Shall mean a tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds office of Boone County, Nebraska.

Marginal Access Street: Shall mean a local street which is parallel with, and adjacent to, a limited access highway or arterial street, and which provides access to abutting properties and protection from fast, through traffic on the limited access highway or arterial street.

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.

Multiple-Family Residential Street: Shall mean any street designed primarily to provide access to abutting multiple-family (two [2] or more families per unit) residential property.

Municipality: Shall mean any incorporated city or village.

Owner: Shall mean any person(s), firm(s), corporation(s), or any other legal entity having legal title to land sought to be subdivided under these regulations.

Permanent Foundation: Shall mean a base constructed from either poured concrete or laid masonry block or brick, and placed on a footing located a minimum of forty-two inches (42") below final ground level, upon which a building or structure is permanently attached.

Planned Unit Development (PUD): Shall mean a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries, and associated uses, planned as a single entity, and therefore subject to the development and regulations as one (1) land use unit rather than as an aggregation of individual buildings located on separate lots. The PUD includes usable, functional, open space for the mutual benefit of the entire tract, and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards, so that maximum long-range benefits can be gained, and the unique features of the development or site is preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a PUD does not eliminate the requirements of subdividing. A preliminary plat and a final plat must be submitted and processed through the subdivision procedures, as provided in the subdivision regulations.

Planning Commission: Shall mean the Boone County Planning Commission.

Plat: Shall mean a map showing the location, boundaries, and legal description of individual properties.

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

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

Property Line: Shall mean the boundary of any lot, parcel, or tract, as the same described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel, or tract may abut.

Public or Central Sewerage System: Shall mean a public sewerage system that is used, or designed to be used, for the collection and treatment (primary and secondary), and discharge of domestic sewage, industrial, or commercial wastes from two (2) or more residential units; two (2) or more mobile home spaces in mobile home subdivisions or mobile home parks; two (2) or more lots or properties located in platted subdivisions; or two (2) or more industrial or commercial properties.

Public or Central Water Supply System: Shall mean a public water supply system which serves two (2) or more residential units; two (2) or more mobile home spaces in mobile home subdivisions or mobile home parks; two (2) or more lots or properties located in platted subdivisions; or two (2) or more industrial or commercial properties.

Replat: Shall mean the subdivision of a tract of land which has previously been lawfully subdivided, or the recording of the plat of a prior subdivision.

Road or Roadway: Shall mean the paved or improved area existing on the street right-of-way, exclusive of sidewalks, driveways or related uses.

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

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

Rural Area: Shall mean all unincorporated areas outside the exercised jurisdiction or municipalities.

creening: Shall mean the decorative fencing or evergreen vegetation maintained for the purposes of concealing from view, the area behind such fencing or evergreen vegetation. When fencing is used for screening, it shall be not less than six (6), nor more than eight (8) feet in height.

Seasonal Dwelling: Shall mean a dwelling of any type (including mobile homes) that does not constitute the primary residence of the occupants. The occupants must be prepared to substantiate the fact that the dwelling is used on a seasonal basis by providing information as to the location of their permanent dwelling, and a statement that they spend less than half of their yearly residential life in the seasonal dwelling.

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

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

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

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

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

Street Width: Shall mean the shortest distance between the property lines abutting both sides of a street right-of-way.

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

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

Turn-Around: Shall mean an area at the closed end of a dead-end street or cul-de-sac, within which vehicles may reverse their direction without backing up.

Waiver: Shall mean the exception, variation or modification of requirements set forth in Subdivision Regulations and granted by the Board of Commissioners after recommendation of the Planning Commission.

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

## ARTICLE 8: APPLICATION AND SKETCH PLAN

### Section 1. General Application for Subdivision Approval

Before any subdivider or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is wholly or partly within Boone County, and is not wholly within the corporate limits or extraterritorial jurisdictional limits of a city or village exercising zoning and subdivision regulations, the subdivider or his agent shall file a preliminary plat of said subdivision with the Boone County Planning Commission. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of any grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in form suitable for recording. The Planning Commission shall determine whether the tentative plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area.

Any person desiring to subdivide land that is subject to the provisions of these regulations shall file with the Administrator an application which: states the name and address of the person making the application; identifies the location of land to be subdivided; describes the proposed subdivision in general terms, including the approximate number of proposed lots, and typical lot widths and depths; and any other necessary supplementary information required by this resolution. The subdivider shall also submit the necessary application and/or filing fees that are subject to these regulations. A proposed sketch plan of the subdivision shall be attached to the application.

### Section 2. Development of Sketch Plan

Within seven (7) days after receiving an application for approval of a subdivision, the Administrator shall consider the application, and shall be available to confer with the subdivider to develop a mutually acceptable sketch plan of the subdivision.

### Section 3. Contents of Sketch Plan

The sketch plan shall show the location of the proposed subdivision (vicinity map), the proposed layout of streets, lots, and other features of the subdivision in relation to existing conditions, proposed use of land, proposed parks, play grounds, and other public areas. The sketch plan may be a freehand sketch made on a map, in scale. The subdivider shall submit with the sketch plan:

- A. A statement describing the covenants, and available community facilities and utilities on, and adjacent to, the property to be subdivided;
- B. A statement of proposed protective covenants, if any, and;
- C. A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.

#### Section 4. Failure to Agree on Sketch Plan

If the subdivider and the Administrator are unable to reach an agreement on the characteristics of the sketch plan within thirty (30) days of the date that the application for approval of a subdivision is filed, then the subdivider may appeal to the Planning Commission on a determination of the characteristics of the sketch plan on which the subdivider and the Administrator have been unable to agree. The Planning Commission shall make such determination at its first regular meeting following the conclusion of the aforesaid thirty- (30) day period. If the Planning Commission disapproves the sketch plan, it shall advise the subdivider in writing of the reasons for disapproval.

#### Section 5. Approval of Sketch Plan

When a subdivider has received written approval of a sketch plan from the Administrator of the Planning Commission, then the subdivider may proceed with the preparation of the preliminary plat.

## ARTICLE 9: PRELIMINARY PLAT

### Section 1. Contents of Preliminary Plat

The preliminary plat shall be drawn at a scale of not less than one (1) inch equals one hundred (100) feet; however, areas over one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The following general information shall be shown on the preliminary plat:

- A. The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area, subject to these regulations.
- B. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
- C. Names and addresses of the owner, subdivider and engineer, or surveyor, and land planner preparing the plat.
- D. North arrow (which shall be directed to the top or right side of the of the plat), scale and date.
- E. An identification clearly stating that the map is a preliminary plat.
- F. Date of the topographic survey.
- G. Location of the subdivision by measured distances to a section corner to define the location and boundaries of the tract which will be subdivided.
- H. Location, width and name of each existing or platted street within the proposed subdivision and within two hundred (200) feet thereof; location and width of other public ways, railroads, utilities rights-of-way or easements, parks and other public open spaces within the proposed subdivision; and location of existing permanent buildings within proposed subdivision and within fifty (50) feet thereof. Existing permanent buildings in the projected alignment of streets outside the proposed subdivision within two hundred fifty (250) feet of proposed subdivision shall also be shown.
- I. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
- J. All existing sewers, culverts and other underground installations within the proposed subdivision or immediately adjacent thereto, or the location of the nearest available such facilities.
- K. The horizontal location, to the nearest foot, within the subdivision, and in the adjoining streets and property of existing sanitary and storm sewers, including flow lines, water mains, culverts, drain pipes, underground wiring, and gas lines proposed to serve the property to be subdivided.
- L. Existing and proposed tentative contours at intervals adequate to portray existing and proposed conditions; also the locations of water courses, bridges, floodplain, wooded areas and such other topographic features as may be pertinent to the subdivision.
- M. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:
  - 1. Contour lines or spot elevations related to some established benchmark or mean sea level, or other datum having the following intervals:
    - (a) Two (2) foot contour intervals for ground slopes less than 10%.
    - (b) Five (5) foot contour intervals for ground slopes exceeding 10%.

(c) Spot elevations where the ground is too flat for contours.

- N. Existing and proposed zoning of proposed subdivision and existing zoning of adjacent tracts. If a zoning change is required, an application of such proposal must be filed with the Zoning Administrator and Planning Commission.
- O. A small scale key or vicinity map adequately covering the area within a half mile radius of the subdivision showing the relation of the plat to major streets, parks, schools and surrounding major commercial, industrial developments and the boundary of the drainage area affecting the plat.
- P. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
- Q. The location and direction of all water courses and areas subject to flooding.
- R. The general location and character of proposed surface storm drainage and sanitary sewer facilities.
- S. Statement describing proposed water supply system.
- T. Natural features such as rock out-croppings, marshes, wooded areas, and isolated preservable trees.
- U. Layout, numbers and approximate dimensions of lots.
- V. Location and size of any proposed school sites, parks, playgrounds, churches or other public lands to be considered for sale or dedication to public use.
- W. Existing uses of the property including the location of all existing structures that will remain on the property after the final plat is recorded.
- X. Location elevation and description of the benchmark controlling the vertical survey.

## Section 2. Supplementary Information

- A. Fifteen (15) copies of the preliminary plat, at a scale of not less than one (1) inch equals one hundred (100) feet, shall be filed with the office of the Administrator within six (6) months of the date that the Administrator, or the Planning Commission in the case of an appeal, has approved the sketch plan. The copies of the preliminary plat, and all appropriate information, shall then be transmitted to the Planning Commission at least two (2) weeks prior to a meeting of the Commission, at which consideration is to be given.
- B. The preliminary plat shall not be accepted for filing until a filing fee therefore has been paid by the subdivider.
- C. The County Planning Commission shall refer the preliminary plat to the County Surveyor for consideration and recommendation.
- D. The Zoning Administrator shall transmit copies of the preliminary plat to County Surveyor, School District(s), Boone County Health Department and each company or agency furnishing water, electric, telephone or gas service, and such other official body or agency as may be directed by the County Board.
- E. The Planning Commission shall consider the preliminary plat and the recommendations of the County Surveyor, and shall make its recommendations to the County Board of Commissioners.

The subdivider may, at his option, submit the preliminary plat to the County Commissioners for their consideration at this time.

- F. Following (1) review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and (2) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within thirty (30) days, act thereon as submitted or modified and, if approved, the Planning Commission shall express its approval as "Conditional Approval" and state the conditions of such approval, if any; or if disapproved, shall express its disapproval and the reasons therefore, with all such expressions to be in writing.
  - G. The action of the Planning Commission shall be noted on six (6) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be transmitted to the County Board for their review for conditional approval, recommended changes or rejection.
  - H. "Conditional Approval" of the preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Commission for recommendations as to appropriate action by the County Board.
  - I. If neither a part nor all of the preliminary plat is submitted for final approval within one (1) year after preliminary plat approval, the preliminary plat shall be void unless an extension is granted by the Planning Commission or County Board.
- Every plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning resolution rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one- (1) year period.
- K. The applicant, or their representative, shall appear at a regular Planning Commission meeting with preliminary plans for the use of the property, and present their request for the platting of land. The applicant shall be prepared to outline the scope and character of the proposed project. In order to provide sufficient information for the Planning Commission to understand the proposed preliminary plat, the applicant shall be prepared to furnish the following type of information upon request:

- 1. A preliminary statistical summary of the project, including the gross site acreage, the number of lots, the dedicated street width, and the acreages devoted to other related or specific uses, including recreation areas.
- 2. Written statements, standards, or opinions from other sources and governmental agencies concerning the subdivision in the following areas:
  - a) In flood plains: U.S. Army Corps of Engineers, Nebraska Department of Natural Resources, and the National Flood Insurance Agency
  - b) When septic tanks or sewage treatment facilities are planned: Nebraska Department of Environmental Quality, Soil Absorption Rates, the Nebraska Department of Health, and Boone County Health Department



- |    |   |   |
|----|---|---|
| c) | Potable water supply:   | Professional well driller's test well data,<br>Nebraska Department of Health, Natural<br>Resources District and Boone County Health<br>Department                         |
| d) | Access from federal<br>primary and secondary<br>highways / Access from<br>County highways and<br>Roads: | Nebraska Department of Roads / County<br>Highway Department   |
| e) | Industrial tracts:  | Nebraska Department of Environmental Quality<br>on air, sound, water qualities, and including<br>waste disposal and waste treatment, and<br>Nebraska Department of Health |

### Section 3. Distribution and Review of Preliminary Plat

The Administrator shall distribute one (1) or more copies of the preliminary plat to the following governmental agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision; the Planning Commission, appropriate fire department, appropriate police department, appropriate health department, the Administrator, Department of Roads (if the subdivision is adjacent to a state highway), and any utility companies providing gas, telephone, water service, or other similar appropriate agency, department, or group providing services in or near the subdivision. The agencies, departments and persons named in this section shall have a minimum of five (5) working days to review the preliminary plat, and to make their report and recommendations to the Planning Commission. The agencies, departments, and appropriate persons names in this section shall return the preliminary plat, report, and recommendations to the Planning Commission. If such report has not been returned to the Planning Commission within ten (10) working days after receiving a plat for review, the proposed plat shall be deemed in conformance with the laws, rules or policies of the reviewing agency or department.

### Section 4. Action by the Planning Commission on Preliminary Plat

The Planning Commission shall review the preliminary plat, and consider the report and recommendations of the agencies, departments, and persons to whom the preliminary plat has been submitted for review, and may conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against such preliminary plat.

- A. The Planning Commission shall thereupon determine, on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, a development plan of the jurisdictional area, the zoning regulations of the jurisdictional area, and other applicable provisions of the jurisdictional area.
- B. If the foregoing considerations are satisfied, the Planning Commission shall approve, in writing, the preliminary plat.
- C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions, and in such event:

1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
  2. The subdivider may reject the suggested modifications, or within the time allowed for Planning Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved, and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, and that modifications would be too expensive or impractical, it shall disapprove the preliminary plat, and immediately notify the subdivider of its action and the reasons therefor.
- E. The foregoing provisions to the contrary withstanding, the Planning Commission shall approve or disapprove the preliminary plat within sixty (60) days from the date of filing such plat, or from the date the subdivider has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within ten (10) days thereof, the Planning Commission shall furnish to the subdivider a statement, in writing, setting forth the reason for disapproval, and specifying with particularity, the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations, the development plan and the zoning regulations of the area, and other applicable provisions of the jurisdictional area.

#### Section 5. Failure of Planning Commission to Act on Preliminary Plat

If the Planning Commission fails to approve or disapprove the preliminary plat within the period of time set by Section 3 of this Article, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or waive such time limitation.

#### Section 6. Effect of Approval of Preliminary Plat

- A. Approval of the preliminary plat shall not constitute acceptance of the subdivision by the Planning Commission, but shall signify merely the general acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision, and for all public improvements to be constructed therein by the subdivider.
- C. Such approval shall be effective for no more than twelve (12) months from the date approval was granted, unless, upon an application of the subdivider, the Planning Commission grants an extension of time beyond such period. If the final plat has not been approved and recorded by the provisions of these regulations within such twelve- (12) month period, or any extensions granted thereto, the preliminary plat must be re-submitted to the Planning Commission as if no such plat had ever been approved, except that no additional fee shall be charged for such re-submission.

## ARTICLE 10: FINAL PLAT

### Section 1. General

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

- A. A preliminary sanitary sewer plan if sanitary sewer is available by gravity flow, as provided herein.
- B. A preliminary surface storm drainage plan within the subdivision with sufficient data to determine the feasibility of the drainage system as proposed by the subdivider.
- C. A street profile plan with a statement of proposed street improvements.

Ten (10) copies of the final plat shall be filed at least two (2) weeks prior to a regular meeting of the Planning Commission, and submitted to the Commission as follows:

- A. The original mylar or acceptable substitute and two (2) prints which shall bear the original signature on the required certificates; and
- B. Eight (8) unsigned paper prints.

### Section 2. Contents of Final Plat

The final plat shall be prepared by a licensed professional engineer, or surveyor, and drawn in waterproof black ink on mylar, or its equivalent, as may be approved by the Planning Commission. Alternatively, a final plat may be prepared with a photographic process, provided it is submitted on 0.004 inch mylar or onoflex engineering photographic film or its equivalent, as may be approved by the Register of Deeds. The permitted page sizes shall be twenty-four (24) inches by thirty-six (36) inches, or smaller. Larger sizes will not be accepted. The scale shall be not less than one hundred (100) feet to one (1) inch, except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one (1) sheet is used for any plat, each such sheet shall be numbered consecutively, and each such sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to other sheets (i.e., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot. The following information shall be shown on the final plat:

- A. Name of the subdivision.
- B. The date, scale, north point, legend, and controlling topography and physical features, such as water courses, highways, and railroads.
- C. A legal description of subdivision by boundary survey. The allowable error of closure on any portion of any final plat shall be one (1) foot in five thousand (5,000).
- D. The name and address of the owner, licensed professional engineer, or surveyor.
- E. Reference points of existing surveys identified, related to the plat by distances, angles, and bearings.
  - 1. Section corners and/or adjoining corners of all adjoining subdivision, or corners of existing plats, when a replat.
  - 2. Section, township, and range.

3. When a municipality or county has established the center line of the street adjacent or within the proposed subdivision, the location of such center line and monuments found or reset shall be shown.
  4. All other monuments required to be installed by the provisions of these regulations.
- F. The exact location and layout of lots, streets, alleys and other public ground, with accurate dimensions in feet and hundredths, interior angles, length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground, together with the names of the streets.
  - G. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve, all curves must be circular. The central angle, the radius, points of curvature, length of curve, and length of intermediate tangents shall be shown.
  - H. Lot lines with dimensions. Side lot lines shall be at right angles, or radial to street lines unless shown. Rear lot lines shall be parallel to block or tract lines, unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
  - I. The width of the portion of the streets being dedicated, and the width of any existing right-of-way.
  - J. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision, must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner certificate of identification.
  - K. Lot numbers beginning with the number one (1), and numbered consecutively in each block.
  - L. Block numbers or letters continuing consecutively without omission or duplication, throughout the subdivision. The numbers or letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
  - M. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
  - N. Building setback lines, if any.
  - O. The name of each street shown on the subdivision plat.
  - P. Location and elevation of permanent benchmarks (monuments), if required.
  - Q. The names of adjoining subdivisions.
  - R. Two (2) copies of any private restrictions or covenants affecting the subdivision or any part thereof.
  - S. Final plats shall be prepared with accuracy required for traverse data. The final plat shall be of scale, contain data, and be of an accuracy required by the County Register of Deeds.
  - T. The following certificates, which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.
2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use, except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.
3. A certificate signed by a licensed professional engineer, or registered land surveyor, responsible for the survey and final map. The certificate shall contain the legal description of the land included in the plat, and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said certificates shall state that a ground survey has been made and that either the monuments have been placed as shown on the plat or that the bond required by Article 15, Section 8 has been duly furnished to the County. The signature of the engineer or surveyor shall be accompanied by his seal.
4. A certificate signed by a registered engineer that he has prepared the final plat and has designed the improvements to be made in accordance with the regulations.
5. A certificate signed by the school board president of the school district in which the subdivision is located.
6. A certificate to be signed by the County Treasurer stating there are no regular or special taxes due or delinquent against the property described in the plat on the date which the plat is recorded by the Register of Deeds.
7. A certificate signed by the County Surveyor approving the plat.
8. The acknowledgment of a Notary Public in the following form:

State of Nebraska, County of Boone, ss:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me a notary public in and for said County and State, came \_\_\_\_\_ to be personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(Seal) \_\_\_\_\_ Notary Public  
Name

My Commission expires \_\_\_\_\_.

9. The certificate of the Planning Commission, in the following form:

This plat of \_\_\_\_\_ has been submitted to, and approved by, the Boone County Planning Commission, and is hereby transmitted to the Board of Commissioners of Boone County, Nebraska, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Boone County Planning Commission.

By: \_\_\_\_\_ Chair

\_\_\_\_\_ Secretary

10. The approval by the County Board of Commissioners, in the following form:

The plat and the dedications shown on this plat are hereby accepted by the County Board of Commissioners, Boone County, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_ Chair, County Board of Commissioners

\_\_\_\_\_ County Clerk

11. A blank space for noting entry on the transfer record, in the following form:

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_ County Clerk

12. The certificate of the Register of Deeds in the following form:

State of Nebraska, County of Boone, ss:

This is to certify that this plat and dedications shown on this plat were filed for record in the Register of Deeds Office on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, and is duly recorded.

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

\_\_\_\_\_ Deputy

13. Provisions for all other certifications, approvals, and acceptances which are now, or which may hereafter be required by any statute, ordinance, or regulation, including a certificate showing that all taxes due and payable have been paid in full.

### Section 3. Supplementary Data

The following additional data shall be submitted with the final plat:

- A. A title report by an abstractor or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land, and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
- B. A copy of any deed restrictions applicable to the subdivision.

### Section 4. Action by the Planning Commission

The Planning Commission shall approve or disapprove the final plat within sixty (60) days after it has been submitted for final approval. If the Planning Commission disapproves the final plat, it shall advise the subdivider, in writing, of the reasons for such disapproval within ten (10) days after such action. The Planning Commission shall approve a final plat if it is:

- A. Substantially the same as the approved preliminary plat;
- B. There has been compliance with all conditions, restrictions, and requirements of this ordinance, all of all other applicable ordinances of the municipalities and the county;
- C. There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

### Section 5. Failure of Planning Commission to Act on the Final Plat

If the Planning Commission fails to act on the final plat within sixty (60) days after it has been submitted for final approval, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitations.

### Section 6. Submission to Governing Body

Before a final plat is recorded and when any portion of the final plat is located in the unincorporated area of Boone County, it shall be submitted to the County Board of Commissioners for approval and acceptance of streets and public ways, service and utility easements, and land dedicated for public use. Approval of the plat shall be shown over the signature of the Chair of the County Board of Commissioners (and attested to by the County Clerk). If the Governing Body disapproves the final plat, they shall advise the subdivider, in writing, of the reasons for such disapproval.

### Section 7. Failure of Governing Body to Act on Final Plat

The County Board of Commissioners shall either approve or disapprove the final plat within sixty (60) days after it has been submitted for final approval. The failure of the County Board of Commissioners to execute an acceptance of dedications shown on any plat, shall be deemed to be a refusal of the proposed dedications shown thereon.

### Section 8. Filing of Final Plat

The final plat, on material acceptable to the County, together with ten (10) copies thereof, shall be filed with the Zoning Administrator's office, and transmitted to the Planning Commission within twelve (12) months after the date that the preliminary plat is approved.

## ARTICLE 11: APPROVAL OF PLATS FOR SMALL TRACTS

### Section 1. Authorization

Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Article 11, Section 2 of these regulations, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been submitted by the subdivider, and a preliminary plat has not been approved by the Planning Commission.

### Section 2. Requirements

In order to qualify for approval in the manner provided in Article 11, Section 1, a proposed plat of subdivision shall comply with the following requirements:

- A. The proposed plat of subdivision shall include not more than ten (10) acres if a residential plat, nor more than three (3) acres for any other type of plat;
- B. The proposed plat of subdivision shall create not more than five (5) lots, tracts, or parcels of land;
- C. No public street or easement of access is sought to be dedicated, or is contemplated or projected through (as opposed to adjacent to) the lot, tract, or parcel proposed to be subdivided or resubdivided; and
- D. The proposed plat of subdivision shall be in the form required by Article 10 of these regulations, and shall contain all the data, information, and certifications required on final plats by Article 10 of these regulations.

Submission of the filing fee required in Article 19.

Submission of fifteen (15) copies of a vicinity map described in Article 9.

### Section 3. Procedure for Approval

- A. Final plats submitted for approval pursuant to Article 11, Section 1, shall be filed with the Administrator so that the plat may be submitted to the Planning Commission for review. The Planning Commission may require the subdivider to submit the topographic information listed in Article 10 whenever the property proposed to be subdivided or resubdivided is traversed by, or is adjacent to, a known water course, including intermittent streams.
- B. The approval of final plats by the Planning Commission pursuant to Article 11, Section 2, shall be subject to the provisions of Article 8, Sections 1 through 5 and Article 9, Section 1 inclusive, of these regulations, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.



*Disapproval is  
easement is  
needed*

## ARTICLE 12: LOT SPLIT CERTIFICATE

### Section 1. General

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

- A. An application for a lot split certificate shall be made by the owner of land to the Administrator at least fourteen days (14) prior to a Planning Commission meeting. The original (mylar) and ten (10) copies of a survey prepared by a licensed surveyor showing the lot split and the remaining acres, depending upon the zoning district, together with the location of all structures and the information required under Article 10, Section 2, at a scale of at least 1 inch equals 100 feet shall accompany the application and filing fee of twenty-five dollars (\$25.00).
- B. Written notice shall be given to the school district having jurisdiction at least ten (10) days from the date when the Planning Commission received the request. The survey shall also contain a location map at a scale of at least one (1) inch equals five hundred (500) feet and a legal description of the tract owned.
- C. Four (4) copies of a drawing to scale of lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s), and the location of the structure(s) thereon, together with the precise nature, location, and dimensions of the split, shall accompany the application. The application shall be accompanied by the names and addresses of all persons to receive notices. Written notices shall be given to all owners of land within three hundred (300) feet of the property proposed to be split. Such owners shall have ten (10) days from the date of notification to notify the Administrator of any protests they may have concerning the lot split. The ten (10) day waiting period may be waived upon submission, in writing, of statements from those to be notified that they have no objection to the proposed lot split.
- D. Approval or disapproval of lot splits shall be made by the Planning Commission based on the following guidelines:
  1. Recommendation to approve or disapprove by the County Planning Commission, following review and comments from the School District having jurisdiction in the area of such proposed action. Should there be no response from the school district prior to the Planning Commission meeting, the Planning Commission shall assume approval of the lot split by the school district.
  2. The County Planning Commission and/or the County Board may make such additional requirements as deemed necessary to carry out the intent and purpose of existing zoning regulations and policy. Requirements may include, but not be limited to, dedication of easements, and submission of covenants for the protection of other landowners in the adjacent tracts of land.

*Article 6*

- E. Disapproval of lot splits shall be made if:
1. A new street or alley is needed or proposed.
  2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  3. If such action will result in significant increases in service requirements: i.e., utilities, schools, traffic control, streets, county roads, etc.; or will interfere with maintaining existing service levels; i.e., additional curb cuts, repaving, etc.
  4. There is less street right-of-way than required by these regulations or the Comprehensive Plan, unless such dedication can be made by separate instrument.
  5. All easement requirements have not been satisfied.
  6. If such lot split will result in a tract without legal access to an improved street or county road.
  7. A substandard sized lot or parcel will be created.
  8. If the lot, 40-acre tract, or 80-acre tract (depending upon the zoning district) has been previously split in accordance with these regulations and the zoning regulations.
- D. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations, and governing board policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- E. The Planning Commission shall, in writing, either approve with or without conditions, or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the chair of the Planning Commission shall sign and furnish a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds.
- F. The lot split survey shall then be submitted to the Governing Body for appropriate action.

## Section 2. Change in Lot Boundary

- A. A proposed change in lot boundary may be approved without a subdivision plat thereof, if the change is solely for the purpose of establishing or changing the boundary of a public way.
- B. A proposed change in boundary may be approved without a subdivision plat thereof, if the boundary change consists of a change between two (2) adjoining lots on ~~X~~ one (1) or both of which is or are situated, a building or buildings which do not comply with minimum setback requirements of these regulations, where the purpose of the change is to effect, or more nearly effect compliance with such setback requirements; provided, a change of boundary as set forth above shall not be approved, unless the Zoning Administrator, Planning Commission and County Board shall find that the owner or owners of the lot or lots at the time when construction of the building or buildings was or were commenced did not have knowledge of the noncompliance, or of facts that should have put the owner or owners on notice to inquire in regard thereto.

- C. A proposed boundary change may be approved without a subdivision plat thereof, if the change consists of the division of three (3) adjoining approved lots or platted lots being platted into two (2) adjoining lots.
- D. A proposed boundary change may be approved without a subdivision plat thereof, if the change is for the purpose of making lawful the conveyance of a part of a lot, block, or tract of land which would otherwise be nonconforming with these regulations, so long as the boundary change does not create or result in the creation of a nonconforming lot or lots.
- E. A proposed boundary change may approved without a subdivision plat thereof, if the change is for the purpose of making lawful the conveyance of a part of a lot, block, or tract of land which would otherwise be nonconforming, where the acquisition or conveyance of such part of a lot, block, or tract of land which would otherwise be nonconforming, where the acquisition or conveyance of such part of a lot, block, or tract of land was made necessary by problems arising in the construction of a building on adjoining property and where the Zoning Administrator, Planning Commission and County Board find that the problems arising in the construction of the building could not have been reasonably anticipated before commencement or construction.
- F. Any proposed change made before the adoption of these Regulations, as set forth above, is hereby approved.
- G. Any boundary change as set forth in subsections A-E above shall not become effective until a survey and plat thereof made by a registered surveyor, showing both the previous and proposed new boundaries, is delivered to and approved by the Zoning Administrator for those changes set forth in subsections A, C, and D above and by the County Planning Commission and County Board for those changes set forth in subsections B and E above, whichever is applicable. At the time said survey and plat is delivered to the Zoning Administrator, warranty or quit claim deed and real estate transfer statement shall also be delivered to said Zoning Administrator properly executed and filed in whereby the conveyance of the part of the lot, block, or tract of land shall be completed upon its survey, plat and warranty or quit claim deed, collect a filing fee for such boundary change of twenty-five dollars (\$25.00).
- H. The survey, as set forth above, shall be on eight and one-half (8 1/2) by fourteen (14) inch sheet(s) of paper; be drawn to a scale of not less than one (1) inch equals one hundred (100) feet; show the direction north by an arrow; reflect all adjoining streets, alleys, and public ways; show any existing buildings or structures on the lot, block, or tract of land being changed; show the number of square feet of all lots, blocks, or tracts of land, including the area of the parcel being conveyed by the warranty or quit claim deed; and refer to the specific subsection A-E of this section that the boundary changes is being submitted under.

## ARTICLE 13: MINIMUM DESIGN STANDARDS

### Section 1. General

No subdivision shall conflict with the recommendation of the Comprehensive Plan for Boone County rural areas. No subdivision plat shall be approved and accepted unless it conforms to the minimum requirements, as set forth in this Article.

### Section 2. Land Subject to Flooding

Land within the proposed subdivision which the County Board finds to be unsuitable for subdividing due to flooding or bad drainage or other topographic features likely to be harmful to the health, safety, or general welfare of the future residents of the proposed subdivision, shall not be subdivided until the objectionable features have been eliminated, or until adequate safeguards against such hazards are provided.

- A. No land subject to periodic flooding, or the 100-year flood where delineated, shall be subdivided for residential use, or any other use which would be incompatible with such flooding.
- B. If improvements meeting the standards and requirements of the County are designed so as to render such land safe for residential or other intended occupancy on land which is subject to periodic flooding or which has inadequate drainage, then and only in that event, shall the provisions of paragraph (A) above not bar the approval of such subdivision. The costs of such improvements shall be at no expense to local units of government, provided that participation in the costs by state and federal agencies may be accepted.

### Section 3. Land Subject to Excessive Erosion by Wind or Water

Necessary preventive measures shall be a part of the subdivision plan on land subject to excessive soil movement by the forces of wind and water, or that may cause environmental health hazards. Adherence to conservation standards adopted by the natural resource districts and state agencies shall also be required.

### Section 4. Access

All lots located in any subdivision shall be served directly by a public street.

### Section 5. Parks, Playgrounds, Open Space, Schools, and Public Facility Sites

The Planning Commission may require, as a condition precedent to approval of any subdivision plat:

- A. That said subdivider dedicate to the appropriate public body, agency or authority, an amount of land, sites, and locations for parks, playgrounds, open space, or other public facilities, that would be required to serve the development contemplated for the subdivision. If such public body, agency, or authority purchases any additional land, sites, or locations prior to the date on which the subdivider's plat of subdivision is recorded with the Register of Deeds, the market price for such lands, sites, or locations shall be computed as the appropriate proportion of the fair market value of the entire subdivision area as undivided land as of the date on which the subdivider submits his preliminary plat of subdivision for approval, or if no preliminary plat is required to be submitted, as of the date on which the subdivider submits his plat of subdivision for approval, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being purchased.

- B. That said subdivider reserve for sale to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, open space, schools or other public facilities; provided, however, that a subdivider shall not be required to reserve such lands, sites, and locations for a period longer than, I) one (1) year after the date of recording the subdivision plat with the Register of Deeds, or ii) sixty (60) days after actual construction shall have been commenced on seventy-five percent (75%) of the residential units in the subdivision, whichever shall result in a longer period of time. The market price for such lands, sites, and locations shall be their fair market value as of the date that such public body, agency, or authority notifies the subdivider, in writing, of its intention to purchase such lands, sites, or locations, or portions thereof, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being reserved, plus all taxes and assessments which have been paid from the time such reservation of lands was required, until such lands are purchased.
- C. Where a park, playground, school or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the County may require the acquisition or accept the dedication or reservation of such area within the subdivision.
- D. Where deemed essential by the Planning Commission and the County Board upon consideration of the type of development proposed in the subdivision, and especially in a large-scale development not anticipated in the Comprehensive Plan, the County may request the dedication or reservation of such other areas or sites of a character, extent or location suitable to the needs created by such development for school, parks and other neighborhood facilities.
- E. Where a tract of land is being subdivided and includes land proposed to be used for parks under the duly adopted Comprehensive Plan of Boone County, Nebraska, the subdivider shall indicate the location of such areas on the subdivision plat.
- F. When a tract of land is being subdivided, the developer shall submit a plat of the proposed development to the local school board.
- G. All subdividers may be assessed the assessments for improvements to implement the public sites and open space segment of the Comprehensive Plan. The form and amount of assessment will be fixed by the County Board upon recommendation of the Planning Commission when the costs for the improvements have been determined.
- H. Where future school sites or public park sites are shown on the Comprehensive Plan and are located on a tract of land proposed to be subdivided, the sites shall be reserved for a period of six (6) months, and the School and County may purchase the unplatted land at a value determined in the same manner as required by the Nebraska Statutes for proceeding under the power of eminent domain, or by negotiations with the owners of the property.
- I. These provisions shall apply only to the subdivisions or parts thereof designed, or intended for, residential development for occupancy.

#### Section 6. Streets - Layout and Design

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets. All persons desiring to construct any street improvement shall, in addition to any Planning Commission review and approval, apply to the

County Highway Superintendent for approval of the location, dimensions, design, and construction methods and material for such street.

- B. Where such is not shown on the development plan, the arrangement of streets in a subdivision shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or,
  2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
- C. Local streets shall be laid out so that their use by through traffic will be discouraged.
- D. If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning Commission may require marginal access streets, reverse frontage with screened planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties, and to afford separation of through and local traffic.
- E. If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to, and on each side of, such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Governing Body under conditions approved by the Planning Commission.
- G. Street jogs are to be avoided on arterial and collector streets. On local streets with right-of-way of sixty-six (66) feet or less, center line offsets of less than one hundred (100) feet shall be avoided.
- H. Street rights-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of two (2) feet, even numbers only.
- I. Streets shall be laid out so as to provide for horizontal sight distances on all curves. These distances shall be:

Local Streets:	200 feet
Collector Streets:	300 feet
Arterial Streets:	500 feet

The sight distance shall be measured within street rights-of-way from a height of four and one-half (4 ½) feet above the proposed pavement surface in the right-hand lane of the roadway.

- J. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.
- K. Roadway grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Roadway Type</u>	<u>Percent Grade</u>
Arterial	4%
Collector	4%
Local	5%
Marginal Access & Frontage Roads	5%

- L. No roadway grade shall be less than twenty-five one hundredths of one percent (0.25%), unless approved by the County Highway Superintendent. Greater percentages of grade may be required where necessary to provide adequate drainage.
- M. Roadway traveling surface in suburban subdivisions at intersections shall be rounded by the following minimum radii:

<u>Type of Roadway</u>	<u>Intersecting Width</u>	<u>Minimum Curb Radii</u>
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Business, Commercial or Industrial Collector or Arterial	Business, Commercial or Industrial Collector or Arterial	50 feet

Right-of-way lines may be required to be rounded by an arc having at least the same radii as the arc of the curb when normal right-of-way requirements are not sufficient to allow the construction of roadways having the radii set out alone.

- N. Dead-end streets, designed to be so permanently, shall not be longer than seven (7) times the average lot width, or six hundred (600) feet, whichever is less, and shall have a turn-around at the closed end that has an outside roadway diameter of at least seventy (70) feet, and a street property line diameter (right-of-way) of at least one hundred (100) feet, or more, or shall have an alternate turn-around area such as hammer-heads, which the Planning Commission believes will provide service equal to the foregoing requirements.
- O. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are, or would be logical extensions of existing streets even though separated by undeveloped land. Street names shall be subject to the approval of the Planning Commission.

#### Section 7. Alleys - Layout and Design

- A. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.
- B. When provided, the width of an alley shall be twenty (20) feet.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

- D. Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead-end.

#### Section 8. Blocks - Layout and Design

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
  2. Zoning requirements as to lot sizes and dimensions.
  3. Need for convenient access, circulation, control, and safety of street traffic.
  4. Limitations and opportunities of topography.
- B. A block should not exceed one thousand three hundred (1,300) feet in length, unless such block is adjacent to a limited access highway or arterial street, or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.
- C. All blocks shall be designed so as to provide two (2) tiers of lots, unless a different arrangement is required in order to comply with Article 13, Section 9.
- D. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control consideration, and development plan requirements.
- E. In blocks of eight hundred (800) feet or more in length, a public crosswalk for pedestrian travel may be required to provide access to public or private facilities, such as schools or parks. Such crosswalk shall have a right-of-way not less than ten (10) feet, and extend entirely across such block at approximately the midpoint of the length of such block.

#### Section 9. Lots - Layout and Design

- A. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, and for the type of development and use contemplated; and the uses shall conform to the requirements of the zoning regulations unless established in accordance with this Section.
- B. The maximum depth of all residential lots shall not exceed two and one-half ( $2\frac{1}{2}$ ) times the width thereof. For all other lots, the depth shall not exceed three (3) times the width.
- C. The minimum widths of residential lots measured at the setback lines thereof shall not be less than:
1. One hundred (100) feet when the lot contains an area of twenty thousand (20,000) square feet or more, but less than one (1) acre.
  2. One hundred fifty (150) feet when the lot contains an area of one (1) acre or more, but less than five (5) acres.
  3. Two hundred (200) feet when the lot contains an area of five (5) acres or more.
- D. Where lots front upon a cul-de-sac or curved street having a radius of two hundred (200) feet or less, the minimum lot widths set forth above shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid



out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than fifty percent (50%) of the required lot width measured at the building setback line, or no less than specified in the zoning regulations.

- E. The area of the street right-of-way line shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations, or of any zoning regulations applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning regulations.
- F. There shall be no double frontage lots for individual dwellings (i.e., single- and two-family units), except where the lots abut upon a limited access highway or arterial street, or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street; moreover, lots abutting such highway or street shall have an additional depth of ten (10) feet from the required depth in order to allow a protective screening between the lot and such highway or street.
- G. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- H. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.  
  
Reverse frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets, or to overcome specific disadvantages of topography and orientation.
- J. Lots on arterial street intersections and all acute angle intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement, shall have a radius of twenty (20) feet at the intersection of street rights-of-way. On business, commercial and industrial lots, a chord may be substituted for a circular arc.
- K. If served by public sewer and water, the minimum average width of residential lots in the plat shall be not less than sixty (60) feet for rectangular lots and not less than sixty (60) feet at the required front building line for lots whose side lines are radial to a curved street. The minimum depth shall be one hundred (100) feet, but in no case shall the minimum lot area be less than one quarter (1/4) acre.
- L. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, the preliminary plat shall be prepared on the basis of minimum two and one-half (2 ½) acre lots; or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of a minimum one (1) acre lots provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.
- M. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit his preliminary plat on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

- N. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- O. Every lot shall abut and have access to a public street.
- P. Setback or building lines may be required and indicated on all lots but shall not be less than the setback required by the Zoning Regulations.

#### Section 10. Easements

- A. **Utility Easements.** Shall be provided for utilities where necessary, and centered on rear or side lot lines, and shall be at least twenty (20) feet wide along rear lot lines, and ten (10) feet wide along side lot lines, except that easements for street lighting purposes shall not, in any event, be required to exceed ten (10) feet. Side lot easements, when needed for other than street lighting purposes, may exceed ten (10) feet.
- B. **Drainage Easements.** If a subdivision is traversed by a water course, drainage way, channel or stream, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course, and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage of a 25-year storm event, and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith.
- C. **Vision Triangle Easements.** May be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of vision triangle easements shall be based on the type of intersection (3-way, 4-way, protected, unprotected, etc.), the type of street (local, collector, arterial, commercial, or industrial), topography, proposed street grades, if any, and the design speeds contemplated for such roadways.

#### Section 11. Business, Commercial and Industrial Subdivisions

- A. **Streets.** Notwithstanding the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business, commercial or industrial use, may be increased by the Planning Commission to such extent as the Commission may deem necessary to assure the free flow of through traffic without interference from parked or paring motor vehicles.
- B. **Blocks.** Blocks intended for business, commercial, or industrial use shall be designed specifically for such purpose, with adequate spaces set aside for off-street parking and loading.
- C. **Marginal Street Access.** When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

## ARTICLE 14: INSTALLATION OF REQUIRED IMPROVEMENTS

### Section 1. General

For purposes of this Article, subdivisions shall be classified as all lands in unincorporated areas required to be platted either by statute, or by these subdivision regulations.

In interpreting this Article, any time an ownership of a tract of land is split by the application of the one- (1) mile jurisdiction line, (i.e., a line drawn in a circular fashion "one (1) mile therefrom" from a municipality), said tract shall be considered to be within the extraterritorial area one- (1) mile only, if over fifty percent (50%) of the area of the tract lies directly within said one- (1) mile line. If over fifty percent (50%) of the tract lies within the ring, then the entire tract shall be considered to lie within the one- (1) mile ring.

### Section 2. Engineering Jurisdictions

In setting standards and specifications not covered by these regulations, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing any petition forms and establishing the amount of surety for guaranteeing the installation of such improvements, the following governmental units, departments, agencies, or personnel shall be designated as the "appropriate jurisdiction" for the type of required improvement listed:

Improvements	Jurisdiction
	Unincorporated Area of County, Outside of an Extraterritorial Municipality Area
Roadways, alleys, curbs & gutters, sidewalks & street drainage	County Highway Superintendent*
Water Supply Systems	County Highway Superintendent*
Fire Hydrants	County Highway Superintendent*
Sanitary Sewer System	County Highway Superintendent*
Storm Sewer System	County Highway Superintendent*
Underground Wiring	Utility Company Involved^^
Benchmarks and Monuments	County Highway Superintendent*
Street Signs	County Highway Superintendent*
* County Highway Superintendent or appropriate agency, office, or individual designated by County ^^ Consultation required with County Highway Superintendent and/or appropriate agency, office, or individual designated by County.	

### Section 3. Staking

The following described monuments shall be installed before the County Surveyor shall approve the plat, or in lieu thereof, a performance bond in an amount equal to the cost of doing such work shall be furnished to Boone County before the County Surveyor shall certify to the Planning Commission that satisfactory arrangements have been made for required improvements:

- A. The external boundaries and corners of blocks shall be monumented by iron rods or pipes not less than two (2) inches in diameter, and extend at least thirty (30) inches below grade.
- B. Lot corners, all points of curvature, points of tangency, and other points not required to be marked by Article 14, shall be monumented by iron rods or pipes not less than one (1) inch in diameter, and extend at least twenty-four (24) inches below grade.

### Section 4. Required Improvements

In as much as the primary purpose of subdividing land is to create residential building sites, commercial sites, or industrial building sites; and in as much as vehicular access and certain utilities are essential to urban development, it shall be the responsibility of the subdivider of a proposed subdivision to install, or provide for the installation of, the following facilities and improvements in accordance with plans, specifications and data approved by the Planning Commission:

- A. **Streets, Roadways, Alleys, Curbs, Gutters, and Street Drainage.** The installation of street improvements shall be on the following basis, and all such improvements shall be financed in accordance with Article 13.
  - 1. Within an Unincorporated Area Outside of a Municipal Extraterritorial Area.
    - (a) All streets, roadways, alleys, curbs, gutters, and street drainage facilities installed in subdivisions which are located in the unincorporated area outside of the extraterritorial areas, shall be constructed in accordance with the standards as required by Boone County.
  - 2. For all subdivision roads, the minimum standards for roads to be dedicated to the public, and maintained by the county township shall be:
    - (a) Right-of-way width: Sixty-six (66) feet.
    - (b) Curb and gutter: Six (6) inches thick by thirty (30) inches wide; 3000-3500 PSI concrete with six- (6) inch integral curb.
    - (c) Roadway width: Thirty-two (32) feet back of curb to back of curb.
    - (d) Surfacing: Two (2) inches Course of one and one-half (1 1/2) inch screened crushed rock, incorporated into the top six (6) inches of subgrade, surfaced with one (1) inch Course of three-quarter (3/4) inch screened crushed rock surfacing.
    - (e) Culverts: To meet field requirements, eighteen (18) inch diameter, minimum, to handle a 25-year storm event.
    - (f) Grades: 0.25%; Slope: 0.25 ft. per 100 ft.
    - (g) Ditches: Not allowed. Storm sewer or intersection culverts shall have a design to handle runoff of a 25-year storm event.

- (h) Plans: Prepared by an engineer, showing existing and design grades and all construction details.
  - (I) Submittal: To County Road Superintendent (may be submitted with the filing of the preliminary plat).
  - (j) Time of Approval of Dedication and Acceptance of Maintenance: Upon completion of construction and written acceptance by Road Superintendent, County Board shall then vote on acceptance.
- B. Sidewalks: Although not normally required, the County engineer may require sidewalks, when needed to service pedestrian traffic flow leading to schools, parks, or places of public assembly.
- C. **Sanitary Sewer.** All sanitary sewer and sewerage treatment systems are subject to regulations by the Nebraska Department of Environment Control.
- 1. Within the Unincorporated Area Outside of an Extraterritorial Area.
    - (a) For all subdivisions requiring central sewer system, the subdivider shall provide municipal type sanitary sewer service approved by the County engineer.
    - (b) In all other areas, individual treatment systems may be used, provided there shall be at least three (3) acre of lot area per dwelling unit (or one quarter [1/4], if both central water or sewage facilities are provided), and provided further that additional lot area may be required in those areas suspected of having a high water table, or having unsuitable soil conditions when based on percolation tests.  
  
In those areas unable to support individual treatment systems, the subdivisions shall not be approved unless a substitute method of sewage disposal is provided as approved by the County engineer.
  - 2. When the Governing Body, agencies, or departments do not fulfill their obligations to act in accordance with these regulations within a period of time determined by the Planning Commission at the time of final plat approval (not to exceed five [5] years), the requirements for municipal-type sewer facilities shall be void, and the subdivider may proceed with approved individual treatment systems.
  - 3. Where a sanitary sewer is accessible by gravity flow within five hundred (500) feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within five hundred (500) feet of the final plat, the subdivider shall make provision for the disposal of sewage as required by law. Where a sanitary sewer accessible by gravity connection is not within five hundred (500) feet of the final plat, but where plans for the installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
- D. **Water Supply Systems.** A public water supply system, or an equivalent, meeting the standards of the County engineer, shall be provided in all subdivisions financed in accordance with Article 14, Section 8.
- 1. In all other areas, a water supply approved by the County Department of Health, shall be provided, financed in accordance with Article 14, Section 8. In those areas where there is

a public water supply system, mains shall be of such size as to support the use of fire hydrants as required in Article 14, Section 8 (E).

2. The subdivision shall be provided with an adequate water main supply system which shall be connected to an approved water supply system. The location of fire hydrants shall be shown on the water utility plan. If a central supply system is approved and used, there shall be a water storage reservoir with the amount of gallons to be prescribed by the County Engineer.
- E. **Fire Hydrants.** In accordance with the standards of the appropriate engineer, shall be provided wherever a public water supply system is required.
- F. A **storm sewer system**, separate and independent of the sanitary sewer system, meeting all of the specifications and requirements of the County engineer, shall be provided. Such storm sewer shall be connected to any existing county storm sewer system, or to the nearest major water channel. If such connection is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider. If possible, new storm water systems should be designed so as to reduce the amount of discharge to a "major water channel," through the implementation of water reuse, and similar measures.
1. The developer shall at his option provide either storm sewers or drainage ways within the subdivision subject to approval by the County Board as to adequacy, with a recommendation by the County Surveyor.
- G. The subdivider shall provide **street signs** of such location, type and size, as shall be approved by the County engineer, giving due regard to the prevailing type, size, and pattern of location utilized throughout the area.
- H. **Electrical, telephone and cable television.** All such construction and installation shall be under contract with the utility.
- I. **Monuments** shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the County engineer. Benchmarks may also be required as determined necessary, by the appropriate engineer. The monuments and benchmarks shall be of such material, size, and length, as may be approved by the appropriate engineer.

#### Section 5. Land Preparation

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

#### Section 6. Preservation of Land

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

#### Section 7. Exceptions for Existing Improvements

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in Article 14, Section 8, and where such improvements meet the requirements of said section, and are in good condition as determined by the County engineer, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of Article 14, Section 8, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all improvements will then meet the aforesaid requirements of Article 14, Section 8.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations, and/or Planning Commission policy, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations, and the County engineer. The County engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The County engineer may reduce the minimum roadway required by these regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision, and such roadway in the subdivision is two (2) blocks or less in length. The County engineer may also require lanes to be painted on such widened streets designated driving and parking areas. The foregoing provisions requiring the widening of pavement may be waived by the Planning Commission when the length of such pavement is less than one hundred thirty-five (135) feet.

#### Section 8. Agreement, Bond, Deposit, and Petitions Guaranteeing Installation of Required Improvements.

Except for monuments and underground wiring, one of the following methods in (A) or (B) shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications.

- A. Fiscal sureties may be offered and the following shall apply:
  - 1. Upon final approval of plans or specifications for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the county, under which the owners and/or subdivider agree to install such required improvements at their own expense in accordance with the theretofore approved plans and specifications, within the time prescribed by the provisions of these regulations. Such agreement shall be conditioned upon the approval of the final plat of subdivision.

2. Simultaneously with the execution of the agreement provided for in subparagraph (1) above, the owner and the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond by a firm authorized to do business in Nebraska, with good and sufficient sureties thereon, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such financial guarantee shall be conditioned upon the approval of the final plat, and furthered conditioned upon the actual completion and installation of such required improvements within two (2) years from the date that the final plat is approved by the Planning Commission.
3. Simultaneously with the execution of the agreement provided for in Article 14, Section 8 (A) above, if the subdivider furnishes a corporate completion bond, he shall also deposit in escrow with the Governing Body, cash in the amount of fifteen percent (15%) of the cost of all improvements to be made in accordance with the plans and specifications for required improvements therefor approved by the Planning Commission. If a subdivider furnishes a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, fifteen percent (15%) of the amount of such cashier's check, escrow account, or letter of credit of the Governing Body, shall be held as a deposit in escrow after the final completion of such improvements. The subdivider shall agree that such deposit in escrow may be held by the Governing Body for a period of eighteen (18) months after the final completion of such improvements, for the purpose of:
  - (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and
  - (b) Guaranteeing against any damage to such improvements by reason of the settling of the ground, base, or foundation thereof.

Such escrow agreement shall also provide that, as such defects have so developed, that the deposit may be applied by the Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such eighteen (18) month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor without payment of interest by the Governing Body.

4. Prior to offering any improvement to the Governing Body, the subdivider shall furnish good and sufficient guarantee that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction of improvements shall have been paid in full, and that there are no claims for damage or suits against such contractor involving said improvement.

B. Petitions to the Governing Body may be submitted as a means of guaranteeing to the governing bodies the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

1. The petitions (to be secured from the County engineer) must be valid petitions as may be provided for under Nebraska law.



2. The petitions must be concurred in by the County engineer, and accepted and approved by the Governing Body concurrently with the approval of the subdivision.
  3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval, or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.
  4. There shall be recorded with the Register of Deeds either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a Governing Body, and that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.
- C. Monuments and benchmarks shall be installed by the subdivider before the subdivision plat is released for recording with the Register of Deeds.
- D. Prior to the release of the subdivision plat, the subdivider shall submit a letter from the utility(ies) involved, stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of wiring.

#### Section 9. Compliance

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

- A. They may install the required improvements before County Board approval.
- B. They may post a performance bond or certified check in the amount of one hundred percent (100%) of the cost of the required improvements as estimated by the County Surveyor guaranteeing the installation of the improvements within three (3) years after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements and approval thereof by the County Surveyor. Further, such period may be extended by the County Board upon a showing by the developer that lot sales and development do not warrant such installation. If the improvements are not completed within the specified or extended period of time, the performance bond shall be forfeited and used by the County to complete the installation of the improvements.
- C. If the developer does not comply with Section 9 (A) or (B) hereinabove stated, they shall select any method or combination of methods listed below to comply with the street, surfacing, sanitary sewer, storm drainage and sidewalk requirements.
1. A road improvement district or sanitary and improvement district may be created in accordance with appropriate State laws. However, the County Surveyor shall not certify to the County Board that required improvements have been satisfactorily arranged for until certified evidence is presented that the improvement district has adopted a resolution of necessity authorizing a contract for the required work in that portion of the district included in the final plat.
  2. They may execute a written agreement with the County providing:
    - a) That they will install all required improvements to serve all sold and closed lots in the subdivision not later than twelve (12) months following the date when fifty percent (50%) of the lots in the subdivision have been sold and closed; provided that they will in all events, install all required improvements to serve all sold and

closed lots in the subdivision not later than three (3) years after recording of the plat even though fifty percent (50%) of the lots in the subdivision may not have yet been sold.

- b) The developer will make the above covenant a minimum provision in each contract of sale with his lot purchasers, which contract shall be enforceable by the County and by all lot purchases. It is further provided however, that the Zoning Administrator shall not issue permits on any lot in said subdivision until said written agreement with the County is executed. It is further provided that the County Board shall have the right to limit the size of the final plat if the area of the tentative plat is more than ten (10) acres.

#### Section 10. Vacation of Undeveloped Subdivision.

When no lots on a plat of a subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

#### Section 11. Subsequent Plats

It is further provided, however, that after the County Board has approved the final plat for a portion of the area comprised in the tentative plat, the developer may submit for final platting the next portion only if the required improvements have been installed or have been contracted for as above provided in the portion comprised in the final plat theretofore approved. Subsequent application for final platting shall be processed in the same manner.

## ARTICLE 15: IMPROVEMENT PROCEDURES

### Section 1. Submission of Required Agreements

If an agreement is to be submitted to meeting the requirements of Article 14, the subdivider shall so indicate at the time of submission of the preliminary plat. If the agreement is authorized by the appropriate governing body, it shall accompany the final plat.

### Section 2. Final Improvement Plans

In all other instances when an agreement is not required, the subdivider shall have a licensed professional engineer (whose services as may be provided through contract with any governmental agency or utility) prepare engineering drawings for proposed required improvements containing the data and information specified in Section 3 of this Article. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in duplicate to the County engineer at least thirty (30) days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent to an extension of or a waiver by the subdivider of any time limitation for plat approval.

### Section 3. Content of Engineering Drawings

Engineering drawings for required improvements shall contain the following data and information:

- A. Plans, details, specifications, and cost estimates for roadway and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometrics for each street (with a typical cross-section of the roadway). The profiles of grade lines shall be shown to a scale of one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets, unless otherwise required by the appropriate engineer.
- B. Plans, profiles, details, specifications, and cost estimates of proposed storm drainage improvements.
- C. Plans, profiles, details, specifications, and cost estimates of proposed water distribution systems, and proposed water supply facilities and water hydrants, if any.
- D. Plans, profiles, details, specifications, and cost estimates of sewage systems, and of sewage treatment plants, if any.
- E. Grading plans for all lots and other sites in the subdivision.
- F. When unusual site conditions exist, the Planning Commission may require such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
- G. All plans shall be based on city U.S.G.S. datum for vertical control.
- H. All plans for underground wiring shall be prepared by, or at the direction of the utility involved.

### Section 4. Review of Plans

The County engineer or agency responsible for determining specification and standards referred to in Article 14, Section 4, shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat, and comply with their design standards. If such

drawings are consistent, and do comply, the reviewing official shall forward to the Planning Commission, a notice that they so conform and comply. In the event that the drawings do not so conform or comply, the reviewing official shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Planning Commission a notice as to the items of nonconformity or noncompliance.

#### Section 5. Approval by Planning Commission

The Planning Commission shall approve a final plat only when the County engineer has indicated his approval of the plans and engineering drawings, or when an appropriate agreement for improvements, if required, has been filed with the engineer.

#### Section 6. Construction of Improvements

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved, and there shall have been compliance with all of the requirements relating to the agreement specified in Section 7 of this Article.

#### Section 7. Inspection

All improvements constructed or erected shall be subject to inspection by the appropriate engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvement. The cost attributable to all inspections required by this Regulation shall be charged to, and paid by the subdivider. Before any required inspections take place, the subdivider may be required to post a deposit covering the cost of such inspection, with the official or an agency entrusted to keep such security for the official. The subdivider shall give at least forty-eight (48) hours written notification to such official prior to the performance of any of the following work:

- A. All phases of roadway and sidewalk construction.
- B. All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring, and other required improvements.

#### Section 8. Inspection Procedures

After notice is received as specified in Section 7 of this Article, the official designated in Section 7 may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If, in the opinion of such official, such work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the official as provided in Section 7.

#### Section 9. Final Inspection

Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the official designated in Section 7, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider, in writing, of such defects, deficiencies, or deviations, and the subdivider shall, at his sole cost and expense, correct such defects or deviations, within six (6) months of the date of notification. When such defects, deficiencies, or deviations

have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspection.

#### Section 10. Report to Planning Commission and Governing Body

If a final inspection indicates that all improvements, as installed, contain no defects, deficiencies, or deviations, within ten (10) days from the completion of such inspection, the official shall certify to the Planning Commission, the Governing Body, and utility that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. The receipt of such notification by the Governing Body or utility shall constitute the date on which the eighteen- (18) month period specified in Article 14, Section 8 (A) shall commence.

#### Section 11. Acceptance of Improvements

Upon the receipt by the Governing Body of the certificate of the official that all improvements have been installed in accordance with the engineering drawings, as approved, and in conformity with the requirements of this Regulation, and all other applicable statutes, ordinances, and regulations, the Governing Body or utility shall thereupon by resolution or letter formally accept such improvements. The improvements shall become the property of the Governing Body or utility company involved.

## ARTICLE 16: APPEALS AND WAIVERS

### Section 1. Appeals: General

The subdivider of a proposed subdivision may officially appeal to the Planning Commission any decisions made by the Administrator in the enforcement of these regulations. Furthermore, the subdivider may appeal to the Governing Body of the appropriate jurisdiction for streets, as established in Article 13, any action of the Planning Commission, unless otherwise provided for in these regulations. Any such appeal shall provide a hearing de novo. In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except as otherwise provided by law. If the Governing Body overrules the Planning Commission, the Governing Body shall provide its decision in writing, stating the reason therefor and, except as provided in Section 2 of this Article, return such decision and plat to the Planning Commission for reapproval as required by law.

### Section 2. Appeals on Improvement Standards

Any appeal as to approval as to standards, or plans and engineering drawings, in connection with requirement improvements shall be directed to the Governing Body, and that action shall be final.

### Section 3. Waiver of Required Improvements or Guarantees of Installation of Same

Any waiver of the required improvements may be made only by the Governing Body on a showing that such improvement is technically not feasible.

### Section 4. Waivers: Unwarranted Hardship

In cases in which there is unwarranted hardship in carrying out the literal provisions of these subdivision regulations, as to design criteria; i.e., lot width, lot depth, block length, etc., the County Board, through review and recommendation of the Planning Commission, may grant a waiver from such provision.

- A. An application for a waiver shall be made to the Administrator who shall transmit the application to the Planning Commission. The Planning Commission shall give the applicant, and any other interested person an opportunity to be heard with respect to the proposed application for a waiver before forwarding to the County Board.
- B. The Planning Commission shall not recommend and the County Board shall not grant a waiver unless it shall find that the strict application of these regulations will create an unwarranted hardship, and unless the proposed waiver is in harmony with the intended purpose of these regulations, and that the public safety and welfare will be protected. The County Board shall have power to grant a waiver under these regulations when it finds that:
  - 1. The strict literal application of the regulations would produce undue hardship and would deprive the applicant of rights commonly enacted by other properties in the same zoning district under the terms of the Regulation.
  - 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - 3. The authorization of such waiver will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the waiver.
  - 4. The granting of such waiver is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice;

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and
  - (b) The granting the waiver requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
- C. Waivers permitted under the provisions of this Article shall not include waivers from the requirements of making improvements required in Article 15 (unless approved as provided for in Section 3), the standards of specifications thereof, nor from the provisions of the zoning regulations covering the area, except as to waivers for minimum lot width and/or area requirements. Consideration of an application for a waiver pursuant to Article 16 does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of a participating municipality or the county relating to variances and/or waivers.
- D. When used in this Section, the term "unwarranted hardship" shall mean the complete deprivation of use as distinguished from a mere inconvenience.

## **ARTICLE 17: INTERPRETATION AND CONSTRUCTION**

### **Section 1. General**

- A. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- B. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- C. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- D. The provisions of these regulations are cumulative, and additional limitations upon all other laws and ordinances heretofore passed, or which may be passed hereafter, governing any subject matter set forth in the provisions of these regulations shall be followed.

## **ARTICLE 18: AMENDMENTS**

The Planning Commission shall hold a public hearing, as provided by law, on any proposed amendment. At, or after such public hearing is held, the Planning Commission may approve and recommend such amendments, but such amendments shall not become effective until approved by the appropriate Governing Body.



## **ARTICLE 19: ADMINISTRATION, FILING FEES, ENFORCEMENT**

### **Section 1. Division of Responsibility**

The administration of these regulations is vested in the following governmental branches, agencies, departments, or individuals.

- A. **Administrator.** The Administrator shall be any person(s) or agency(ies) designated for the administration of these regulations, by the Boone County Board of Commissioners.
- B. **Boone County Planning and Zoning Commission.** Hereafter referred to in these regulations as the Planning Commission.
- C. **Governing Body.** The Governing Body is the Boone County Board of Commissioners.

Each of the above named governmental branches, agencies, departments, or individuals shall have the responsibilities hereinafter set forth.

### **Section 2. Duties of the Office of the Administrator**

The Administrator shall administer the provisions of these regulations, and in furtherance of such authority, shall:

- A. Maintain an up-to-date subdivision ordinance, including amendments thereto and permanent and current records with respect to these regulations.
- B. Receive, file, and transmit applications, sketch plans, preliminary plats, and final plats, to the designated review groups, as specified in these regulations.
- C. Inform applicants of procedures required for subdivision approval; discuss and approve sketch plans.

### **Section 3. Duties of the Boone County Planning Commission**

The Boone County Planning Commission shall:

- A. Review and approve, approve conditionally, or disapprove the sketch plan in all cases in which the subdivider and the subdivision committee are unable to reach an agreement on the sketch plan.
- B. Review and approve, approve conditionally, or disapprove the preliminary plats.
- C. Review and approve or disapprove the final plat and transmit the same to the appropriate governing body for approval or disapproval, and for acceptance of dedications of streets, alleys, and other public ways and sites, if approved.
- D. Make such other determinations and decisions as may be required of the Planning Commission, from time to time, by these regulations or the applicable sections of the state laws.

### **Section 4. Duties of the Governing Body**

The Governing Body specified in Section 1 of this Article, shall review and approve or disapprove all final plats; and in cases of disapproval, shall inform the subdivider, in writing, of the reasons for disapproval. The Governing Body of Boone County shall review and approve or disapprove all final plats of proposed subdivisions that lie within its jurisdiction; including, in the case of a municipality, any extraterritorial jurisdiction over which it has assumed control. In all cases where a proposed subdivision lies outside of

ne jurisdictional areas of the various municipalities, the Board of Commissioners shall review and approve or disapprove all final plats or proposed subdivisions.

#### Section 5. Filing Fees

Prior to the filing of a preliminary plat, the following fees shall be paid.

- A. The filing fee shall be \$25, plus \$5 for each lot over one (1), based on the number of lots shown on the preliminary plat.
- B. The filing fee for a lot split, change of boundary, or vacation shall be \$25.
- C. A written receipt shall be issued to the person(s) making such payment. No fee shall be required when such proposed plat, subdivision, lot split, or vacation is owned by any department, agency, political subdivision, board, or commission of any municipality, county, state, or federal government. No fee shall be refunded in the event that a preliminary or final plat is disapproved.

#### Section 6. Required Permit

- A. No zoning permit, or occupancy certificate shall be issued for a building or structure on any lot, tract, or parcel of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat of subdivision is available for examination by the official charged with issuing zoning permits and/or occupancy certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these regulations and conditions of plat approval.
- B. No officer or employee of Boone County shall issue any zoning permit, make any water or sewer connection, or issue any permit for any water or sewer connection for any building, or buildings constructed or proposed to be constructed, on land subdivided contrary to the provisions of these regulations. No person, employee, or his agent of any utility company shall make any utility connections or issue any order for utility connections for any buildings or buildings constructed or proposed to be constructed without a zoning permit first being issued by Boone County.

#### Section 7. Enforcement

- A. No plat of any subdivision with the application of this resolution shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by these regulations.
- B. It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision within the application of this resolution unless said plan, plat or replat shall have first been approved as prescribed by this resolution and filed and recorded in the office of the Register of Deeds.

### **ARTICLE 20: HEARING**

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

#### **ARTICLE 21: PENALTY**

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

#### **ARTICLE 22: SEVERABILITY CLAUSE**

If any section, subsection, paragraph, sentence, clause, phrase, provision or part or portion of any section, subsection, paragraph, sentence, clause, phrase, or provision of this resolution, or the application thereof to any person or circumstance, is held invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not affect the validity or application of any other section, subsection, paragraph, sentence, clause, phrase, provision or part or portion of this resolution.

#### **ARTICLE 23: REPEAL OF CONFLICTING RESOLUTIONS AND EFFECTIVE DATE**

All resolutions or parts of resolutions in conflict with these subdivision regulations, or inconsistent with these provisions, are hereby repealed, except any resolutions that impose more restrictive regulations than are imposed herein. These regulations shall be in full force and effect, upon its due passage as required by law.

These Subdivision Regulations are hereby approved and adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Chair, Boone County Board of Commissioners

ATTEST: \_\_\_\_\_

Boone County Clerk