Village of Gresham, Nebraska

York County, Nebraska

Subdivision Regulations

Adopted by the Village of Gresham, Nebraska

Prepared by:

Miller & Associates
CONSULTING ENGINEERS, P.C.
1111 Central Ave. Kearney, NE 68847-6833
(T) 308-234-6456 (F) 308-234-1146
www.miller-engineers.com

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Article 1: Title, Purpose, and Definitions

Section 1.01 Name and Citation of Titles

These regulations shall be known, referred to, and cited as “The Subdivision Regulations of Gresham, Nebraska.”

Section 1.02 Purpose

The purpose of these regulations is to provide for the orderly development of Gresham and its jurisdiction. This will be done through prescribed rules and standards establishing functional arrangements of street layouts, open spaces, and adequate community facilities and utilities. These subdivision regulations will coordinate development with the Village’s transportation, land use, and capital facilities plans, and will provide conditions favorable for the health, safety, and convenience of the community, in accordance with applicable state statutes.

Section 1.03 Rules

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

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

The word “persons” includes a corporation, members of a partnership or other business organization, a Committee, Board, Commission, Trustee, Receiver, Agent, or other Representative.

The word “shall” is mandatory and the word “may” is permissive.

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

The word “Commission” shall refer to the Planning Commission of the Village of Gresham, Nebraska.

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

Each gender shall include the other.

Section 1.4 Definitions

Alley – Shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

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

Block – Shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, Village or County boundaries, or adjoining property lines.

Bond – Shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, Village or County boundaries, or adjoining property lines.

Boundary Adjustment – Shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not the purpose of creating an additional lot or parcel.

Building Setback Line – Shall mean the required zoning distance between a building and the lot line.

Clerk – Shall mean the Village Clerk of the Village of Gresham, Nebraska.

Comprehensive Development Plan – Shall mean the Comprehensive Development Plan of Gresham, Nebraska as adopted by the Village Board, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Nebraska Revised Statutes 19-903 (R.R.S. 1997).

Conditional Approval – Shall mean approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.

Cul-De-Sac – Shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

Dead End Street – Shall mean a public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

Dedication – Shall mean the intentional appropriation of land by the owner to some public use.

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

Developer – see “Subdivider.”

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

Flood – Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Plain – Shall mean any land designated by the Nebraska Natural Resources Commission or the Federal Emergency Management Agency that is susceptible to being inundated by water from any source.

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

Frontage Road – Shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

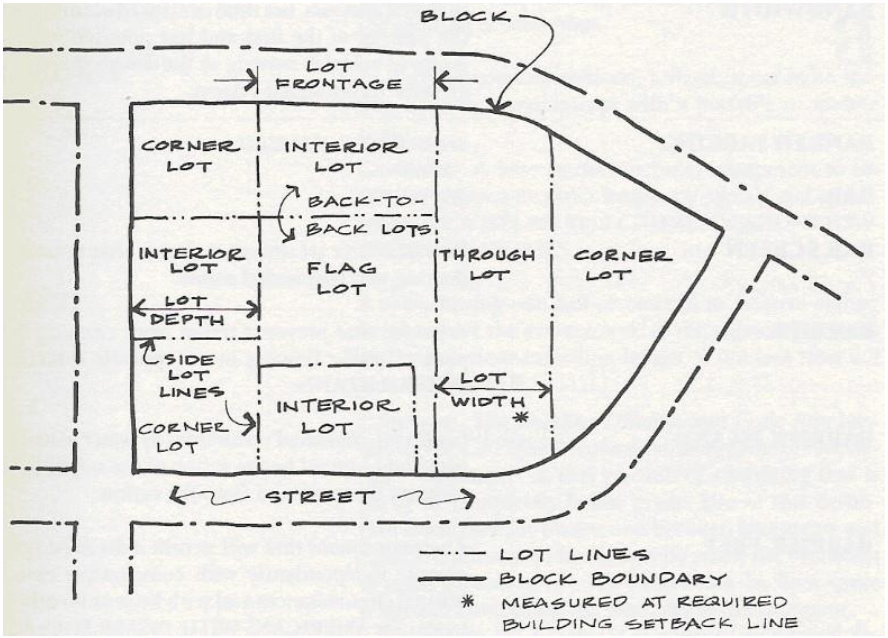
Improvements – Shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation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

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

Lot Combination – Shall mean a method for approval of lot boundary adjustments or lot reductions, which reduces the number of lots to not greater than two.

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

Lot Depth – Shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.



Lot, Double Frontage, or Through – Shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, Flag – Shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

Lot Frontage – Shall mean the side of a lot abutting a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

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

Lot, Interior – Shall mean a lot other than a corner lot.

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

Lot, Minimum Area – Shall mean the minimum square footage of land area occupied or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

Lot, Nonconforming – Shall mean a lot having less area or dimension than that required in the district in which it is located and which was 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 York County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this regulation.

Lot, Platted – Shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the Village and recorded in the York County Register of Deeds.

Lot of Record – Shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot Split – Shall mean a subdivision of land involving the division of one lot into two lots.

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

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

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

Pedestrian Way – Shall mean a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Planning Commission – Shall mean the Planning Commission of Gresham, Nebraska.

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

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

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

Plat of Record – Shall mean a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the York County Register of Deeds.

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

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

Street, Arterial – Shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a Village or County with controlled access to abutting property.

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

Street, Curvilinear – Shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

Street, Local – Shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

Street, Looped – Shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

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

Street, Private – Shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place.”

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

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

Subdivision Agreement – Shall mean an agreement between a subdivider and the Village that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

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

Village Engineer – Shall mean the Village Engineer as hired or appointed by the Chairperson and Village Board or his/her authorized deputy, agent, or representative.

Waiver – Shall mean permission to depart from the requirements of an ordinance with respect to the submission of required documents.

Zoning District – Shall mean an area delineated on a zoning map for which uniform use regulations are specified.

Zoning Ordinance – Shall mean the zoning ordinance of the Village of Gresham as amended from time to time.

Zoning Permit – Shall mean any permit required by the Village and issued by the Zoning Administrator to be obtained by any person engaged in any activity governed by the regulations set forth in this ordinance.

Article 2: General Provisions

Section 2.01 Jurisdiction

The provisions of these regulations shall apply to all land located within the legal boundaries of the Village of Gresham, as the same amended by subsequent annexation, and shall also include all land lying within one mile of the Corporate Limits of the Village and not located in any other municipality.

Section 2.02 Powers

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

It shall be unlawful for the owner, agent, or person having control of any land within the Corporate Limits of the Village, or within the area shown on the official Zoning Map, to subdivide land except in accordance with Nebraska Revised Statutes § 19-916 (R.R.S. 1997) and the provisions of that title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the State of Nebraska, any County, the Village, or any Village incorporated or unincorporated, within the jurisdiction of the Village, shall be deemed to have received approval pursuant to Nebraska Revised Statutes 19-916 (R.R.S. 1997).

Section 2.03 Applicability

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

Section 2.04 Exemptions

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

Section 2.05 Interpretation

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

Section 2.06 Conflict

No final plat of land shall be approved unless it conforms to the subdivision regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations, building regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 Zoning Permits

Unless a tract shall have been platted in accordance with the provisions of this article, no Zoning Permit shall be issued.

Section 2.08 Amendments

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

Section 2.09 Modifications

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

Section 2.10 Fees

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

Section 2.11 General Provisions Applicable to all Subdivision Requests

2.11.01 General. The provision of this article shall apply to all subdivision requests regardless of the procedure used to secure approval, unless otherwise specifically noted.

2.11.02 Zoning and Occupancy Permits. No official of the Village shall issue either a zoning permit or occupancy permit on any property that does not comply with the zoning and subdivision regulations of the Village of Gresham. The issuance of any Zoning Permit or occupancy permit does not relieve the owner thereof from compliance with all of the terms and conditions of the subdivision regulations, including improvements and subdivision design. It is the duty and obligation of the owner of the property to ensure compliance with the ordinances of the Village.

2.11.03 Improvements Warranty and Guarantee. Upon approval of the subdivision and prior to filing the subdivision with the Register of Deeds, the subdivider shall provide a warranty to the Village for all workmanship and materials used for one year from the date of acceptance, and a guarantee for the construction for all improvements required by this ordinance.

2.11.04 Performance Bond. Upon approval of the subdivision and prior to filling the subdivision with the Register of Deeds, the subdivider shall surrender to the Village possession of a performance bond. Said bond shall be in an amount adequate to cover 110 percent of the cost of the design, construction, and installation of all improvements shown on the final plat, as established by the subdivider and accepted by the Village Board upon recommendation of the Village Engineer. No officer of the Village is authorized to sign any document indicating approval of any subdivision application until the filing and acceptance of a satisfactory performance bond. Said performance bond shall be either issued by a reputable insurance company licensed to issue such bonds in the State of Nebraska or a cash bond. Where a cash bond is used, the subdivider or owner may present a Certificate of Deposit issued in the subdivider's or owner's name and federal identification number for a term not to exceed six months, which shall be endorsed payable to the Village of Gresham, Nebraska and which shall be attached to a bond form.

2.11.05 Time for Construction of Improvements. Regardless of the subdivision procedure utilized, unless otherwise specified in the document approving the subdivision, required improvements will be constructed as follows:

1. Prior to the issuance of any zoning permit for any land within the subdivision, all streets, sanitary sewer mains, water supply mains, natural gas mains, electricity and telephone trunk lines and cable television trunk lines, streets signs, permanent survey monuments, benchmarks, and street lights shall be installed and completed by the subdivider, operating and approved as provided in the subdivision regulations.
2. Prior to the issuance of an occupancy permit for any structure within the subdivision, all sidewalks, street trees, and storm drainage shall be installed and completed by the subdivider, operating, and approved as provided in the subdivision regulations, provided that if storm drainage on other property is required in order to provide proper functioning of storm drainage on the property in question, such additional storm drainage shall also be completed prior to the issuance of an occupancy permit.

2.11.06 Title and Taxes. At the time of the filing of the application for a subdivision, the subdivider shall provide evidence of title and evidence that all taxes and special assessments have been paid on the land which is the subject of the subdivision application.

2.11.07 Approval Resolution. Passage of the resolution approving any subdivision request requires a majority of the Village Board. The resolution of approval shall contain a statement of all improvements required and the schedule by which improvements are to be completed if different in any way from the schedule set forth in the subdivision regulations. The type of bond posted to secure the design and construction of required improvements shall also be identified.

Article 3: Procedures

Section 3.01 Procedure for Filing Pre-Application Plans and Data

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

1. The proposed tentative layout of streets, lots, and other features in relation to existing streets, utilities, topography, and other conditions.
2. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas, and other data supplementing the plans that outline or describe all the proposed development as it relates to existing conditions.

3.01.02 These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Planning Commission will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of the ordinance. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the preliminary plat.

Section 3.02 Procedure for Approval of Preliminary Plat

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

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

A total of twenty copies of the preliminary plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted to the Village Clerk at least twenty-one days prior to the meeting at which it is to be considered unless being submitted to York County. The Clerk shall distribute one copy of the preliminary plat

with a request for comments to each of the following: Village Engineer, School Board, Fire District, Police Department, York County if the subdivision is located outside the Corporate Limits, and to whomever else deemed necessary by the Planning Commission.

The Planning Commission will consider the preliminary plat at a Public Hearing, after proper notice, and will (1) review the preliminary plat and other material submitted for conformity to these regulations and (2) review any recommendations of the Village Engineer, School Board, Fire District, Police Department, York County and other agencies and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by subdivider. The Planning Commission shall act on the plat as submitted. The Planning Commission may (1) approve with no conditions and forward to the Village Board, (2) conditionally approve and state the conditions of such approval, or (3) disapprove and state the reasons for such disapproval.

The action of the Planning Commission shall be noted on or attached to two copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.

Upon a Planning Commission recommendation of approval or disapproval, the Clerk shall set a date and time for a Public Hearing before the Village Board along with proper notice thereof. The notice must be published at least ten days prior to the hearing in a paper of general circulation in the Village of Gresham. The Village Board shall act on the preliminary plat as submitted and may (1) concur with the Planning Commission's recommendation; (2) reverse the Planning Commission's recommendation; or (3) refer the preliminary plat back to the Planning Commission for reconsideration with specific instructions.

Procedure for approval of preliminary plats of land within one mile of the Corporate Limits shall be the same, except that one copy of the preliminary plat shall be referred to York County with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take final action on the plat prior to receiving recommendations from York County. If no recommendation is received within thirty days, the preliminary plat shall be deemed approved by York County.

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

Section 3.03 Preliminary Plat Specifications

The preliminary plat shall be drawn to a scale of one inch to 100 feet; shall be plainly marked “preliminary plat” and shall include, show, or be accompanied by the following information:

1. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale, and legend.
2. The proposed name of the subdivision, designated as “_____Addition to the Village of Gresham, Nebraska,” which must not be so similar to an existing subdivision as to cause confusion.
3. The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect responsible for the preliminary plat.
4. The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and the approximate acreage of the proposed development.
5. The width and location of platted streets and alleys within or adjacent to the property.
6. The physical features of the property, including location of water courses, ravines, bridges, culverts, present structures, and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations or existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required), and any floodway, floodplain, and flood fringe areas.
7. The proposed lot layout, lot and block numbers, and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
8. The location and width of proposed streets, easements, building setback lines, rights-of-way, pavement widths and type, sidewalks, alleys, location of all proposed improvements including sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by these regulations.
9. The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.
10. The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being
    a. proposed for subdivision.
11. Names of adjacent subdivisions together with arrangement of streets and lots.
12. One draft copy of the subdivision agreement including any requests for waivers from the requirements of this ordinance.
13. The subdivider or subdividers representative shall be in attendance at the Planning Commission meeting when preliminary plat is discussed.
14. Two copies of the following, prepared by a Registered Professional Engineer, to be delivered to the Village Engineer for review:
    a. A sanitary sewer plan.

b. A drainage plan, pursuant to Section 5.06.
c. A street profile plan with a statement of proposed street improvements.
d. A water distribution plan.
e. A traffic impact analysis.

Section 3.04 Procedure for Approval of Final Plat

The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time. The final plat shall be submitted to the Planning Commission for approval at least twenty-one days prior to the meeting at which it is to be considered. One original, one reproducible copy printed on mylar, and twenty copies of the original shall be prepared as specified in these regulations.

The final plat shall be submitted to the Village Board for approval and adoption prior to the start of construction. The Village Board shall consider the final plat at their regular meeting, in a Public Hearing advertised by published notice at least ten days prior to the hearing in a paper of general circulation in the Village of Board. Final approval by the Village Board shall be by ordinance only after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of this ordinance. Upon approval of the final plat, a certification of approval by the Village Board shall be endorsed thereon by the Village Clerk, and the original shall be filed with the York County Clerk, the reproducible copy shall be filed with the Village Clerk.

Section 3.05 Final Plat Specifications

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a Registered Land Surveyor. The final plat, in conformance with the approved preliminary plat, shall include:

1. The name of subdivision.
2. The date and a north arrow and graphic scale.
3. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the “Minimum Standards for Surveys,” as established by the Professional Surveyors Association of Nebraska.
4. A legal description of the perimeter of the subdivision.
5. The location and names of adjacent subdivisions, streets, alleys, and any easements.
6. Location and names or numbers of lots, streets, easements, public highways, alleys, and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data, radius, arc distance, chord distance, and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.

7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of iron pipe or iron rod, or some other material capable of being detected by commonly used magnetic locators. Monuments shall have a minimum diameter of five-eighths (5/8) inch and minimum length of twenty-four inches.
8. A notarized owner's certification statement signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided, consenting to the final plat, including the dedication of parts of the land for streets, easements, and other purposes, pursuant to Article 4 of this document.
9. A notarized surveyor's statement signed and acknowledged by a Registered Land Surveyor, pursuant to Sections 6.02 and 10.02.
10. A signature block for the York County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 10.07.
11. A signature block for the approval of the Planning Commission, pursuant to Section 10.03.
12. A signature block for the approval of the Village Board, to be signed by the Chairperson and attested to by the Village Clerk, pursuant to Section 10.04.
13. A signature block for the York County Register of Deeds, pursuant to Section 10.05.
14. A signature block for the York County Surveyor, pursuant to Section 10.02.
15. A performance bond pursuant to Section 2.11.
16. One copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
17. One copy of any construction plans and specifications.
18. Three original copies of the subdivision agreement with a signature block for the Chairperson and attestation of the Village Clerk.
19. Two copies of the following, prepared by a Registered Professional Engineer, to be delivered to the Village Engineer for review:
    a. A sanitary sewer plan.
    b. A drainage plan, pursuant to Section 5.06.
    c. A street profile plan with a statement of proposed street improvements.
    d. A water distribution plan.
    e. A traffic impact analysis.

Section 3.06 Vacation of Plat

3.06.01 Applicability: an owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:

1. The plat to be vacated is a duly recorded final plat or replat.
2. The vacation of the subdivision will not interfere with development or, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.

3.06.02 Procedures: the owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the Village Board. The Village Board shall approve or deny the proposal. If the proposal is approved (approved by ordinance), it shall then be recorded in the office of the York County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation. If the proposal is disapproved, the Village Board shall state which of the reasons stated in Section 3.06.01 require such disapproval. The applicant shall be allowed to submit a new application upon a showing that the reason or reasons for disapproval have been corrected.

Section 3.07 Replats

3.07.01 Whenever a replat of an existing subdivision results in ten or fewer lots, the Planning Commission may waive the separate submission requirements for the preliminary and final plats to expedite the subdivision review process if, in the judgment of the Planning Commission, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent plats shall:

1. Be discussed with the Planning Commission at a scheduled pre-application conference pursuant to Section 3.01.
2. Be submitted to the Village Clerk at least twenty-one days prior to the next regular meeting of the Planning Commission at which request is to be heard.
3. Be accompanied by the application fees and completed application forms as required.
4. Follow the procedure set forth for herein and contain the required preliminary and final plat information.
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.

3.07.02 Disapproval of replats shall be based on the following guidelines:

1. A new street or alley is needed or proposed.
2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
3. Such action will result in significant increases in service requirements, for example, utilities, schools, traffic control, streets: or will interfere with maintaining existing service levels, for instance, additional curb cuts or repaving.
4. There is less street right-of-way than required by this ordinance or the comprehensive development plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such action taken during a replat will result in a tract without direct access to a street.

7. A substandard-sized lot or parcel will be created.

3.07.03 Changes required by the Planning Commission, during the Planning Commission's Public Hearing, shall be made prior to submission to the Village Board. Replats shall be submitted to the Village Clerk prior to the start of construction and at least fifteen days prior to the next regular meeting of the Village Board. The Village Board shall review and act on the replat at a Public Hearing. Notice for such hearing shall be posted at least ten days prior to the hearing in a paper of general circulation in the Village of Gresham. The Village Board shall, in writing, either approve the replat with or without conditions, or disapprove the replat and state the reasons thereof.

Section 3.08 Administrative Plats

3.08.01 The intent of this section is to provide for lots split, lot combinations, and boundary adjustments which result in lots divided or combined into not more than two tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The Zoning Administrator shall review the administrative plat application and make a final determination. The Zoning Administrator may approve or disapprove administrative plats in accordance with the following regulations.

3.08.02 Requests for an administrative plat approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Two copies on mylar of the administrative plat shall include the following:

1. A survey of the lot(s).
2. Location and precise nature of any structures located thereon, if any.
3. Location and dimensions of the proposed administrative plat.
4. A notarized Surveyor's statement signed and acknowledged by a registered land Surveyor, pursuant to Sections 5.02 and 9.02.
5. A signature block for the York County Register of Deeds, pursuant to Section 9.05.
6. A signature block for the York County Surveyor, pursuant to Section 9.02.
7. A signature block for the York County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 9.07.
8. A signature block for the approval and signature of the Zoning Administrator and the Chairperson and attested to by the Village Clerk, pursuant to Section 9.08.

Section 3.08.03 Disapproval of administrative plats shall be based on the following guidelines:

1. A new street or alley is needed or proposed.
2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.

3. Such action will result in significant increases in service requirements, for example, utilities, schools, traffic control, streets: or will interfere with maintaining existing service levels, for instance, additional curb cuts or repaving.
4. There is less street right-of-way than required by this ordinance or the comprehensive development plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such action taken during an administrative plat will result in a tract without direct access to a street.
7. A substandard-sized lot or parcel will be created.
8. The lot has been previously split in accordance with this ordinance.

3.08.04 No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.

3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the Village Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

3.08.06 The Zoning Administrator shall, in writing, either approve the administrative plat with or without conditions or disapprove the administrative plat and state the reasons thereof, within a reasonable time of application.

3.08.07 The filing fee for administrative plats shall be set in accordance with Section 2.10.

3.08.08 After approval from the Zoning Administrator all copies must be certified by all applicable parties and two copies filed with the Village prior to the issuance of a Zoning Permit.

Article 4: Design Standards

Section 4.01 General

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the comprehensive development plan.

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

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

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

Section 4.02 Streets

The arrangements, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets. All streets shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classification and Standards. See Schedule A for Minimum Street Standards.

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

Section 4.03 Dedication of Rights-of-Way for New Streets

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

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

Section 4.04 Dedication of Rights-of-Way for Existing Streets

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

Section 4.05 Frontage Roads

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

Section 4.06 Intersections

Streets shall intersect as nearly as possible at an angle of 90 degrees and no intersection shall be constructed at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least twenty feet. Larger intersection radii may be required in industrial or commercial area or when directed by the Village Engineer. When the smallest angle of street intersection is less than 75 degrees, the Planning Commission may require curb radii of greater length.

Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than seventy-five feet or more at the discretion of the Village Engineer.

Consideration shall be given to street and right-of-way widths such that minimum sidewalk requirements are maintained.

Section 4.07 Curves in Streets-Horizontal and Vertical

A tangent of at least 100 feet in length shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Maximum requirements shall conform to the standards in Schedule A of this ordinance.

Minimum sight distances shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classifications and Standards.

Section 4.08 Street Grades and Elevations

All streets shall be designed to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. The minimum street grade shall not be less than four-tenths of one percent (0.4). Minimum grades for gutters and ditches shall be four-tenths and five-tenths of percent (0.4 and 0.5), respectively. The Village may allow lesser slopes if approved by the Village Engineer. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not increase flood elevations more than one foot. Street grades shall conform to the maximum requirements provided in Schedule A of this ordinance.

Section 4.09 Access Control

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

Section 4.10 Street Jogs

Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

Section 4.11 Cul-de-Sac Streets

Cul-de-sacs shall not be longer than 500 feet and shall provide a turnaround having a radius at the outside of the pavement of at least fifty feet and a radius at the right-of-way of at least 110 feet. Alternative designs for temporary turnarounds may be approved by the Village. Streets dead-ending or terminating in a temporary turnaround shall not have a length greater than 500 feet or a radius at the right-of-way less than sixty feet. Cul-de-sac and temporary turnarounds shall be measured from the center of the cul-de-sac or temporary turnaround to the nearest right-of-way line of the intersecting street.

Section 4.12 Street Names

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

Section 4.13 Private Streets and Reserve Strips

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

Section 4.14 Alleys

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

Section 4.15 Water Lines and Hydrants

All water mains within a subdivision shall be a minimum of six inches in diameter. All water mains and/or shall be looped, unless a dead-end is approved by the Village Engineer. Hydrants shall be placed on the corners of each block or with a maximum spacing not to exceed 400 feet.

Section 4.16 Water Mains and Sewer Mains

Except for good cause, all water mains and sewer mains shall be located within the street right-of-way, but not under the pavement located thereon. Further, all manholes shall not be placed in the proposed driveways of residential subdivisions.

Section 4.17 Sidewalks

All sidewalks within a subdivision shall have a minimum pavement width of four feet and shall be located one foot into the street right-of-way adjacent to the residential lot line unless otherwise approved.

Section 4.18 Blocks

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

Section 4.19 Lots

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

Section 4.20 Through Lots

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

Section 4.21 Easements

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

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

Section 4.22 Storm Sewer System

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall not exceed pre-development runoff, based upon a ten-year storm event or as determined by the Village Engineer. Pre-development shall be the condition prior to improvements being completed. In determining the size or type of the storm sewer system to be used, the design shall be sufficient to handle all computed runoff from the proposed development. For large drainage areas, natural drainage ways shall be maintained, and the Village may require cross drainage structures such as culverts and bridges, for instance.

Section 4.23 Flood Hazards

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

Section 4.24 Conformance with Other Regulations

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

Section 4.25 Schedule A

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width (ft.) (5)	Minimum Number of Traffic Lanes	Maximum Grade (Percent)	Minimum Centerline Radius (ft.)
Major Arterial (1)	100	45	4	6	510
Other Arterial (2)	100	45	4	6	510
Collector (3)	80	39	2	8	200
Local (4)	60	25	2	10	100
Frontage	50	25	2	10	100
Cul-de-sac or Turnaround	110 (5)	50 (6)	2	10	200
Alleys	20	20	2	-	-

(1) Major arterial streets shall generally consist of extensions of the rural major arterials which provide continuous service through municipalities for long-distance rural travel. They are the arterial streets used to transport products into and out of municipalities.

(2) Other arterial streets shall consist of two categories: municipal extensions and rural other arterials, and arterial movements peculiar to a municipality's own complex, that is streets which interconnect major areas of activity within a municipality, such as shopping centers, the central business district, manufacturing centers, and industrial parks.

(3) Collector streets shall consist of a group of streets which collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems.

(4) Local streets shall consist of the balance of streets in each municipality, principally residential access service streets and local business streets. They are characterized by very short trip lengths, mostly limited to vehicles desiring to go to or from an adjacent property.

(5) Pavement width measured from back of curb to back of curb.

(6) Minimum right-of-way radius for the cul-de-sac turnaround shall be 110 feet, the minimum pavement radius for the cul-de-sac turnaround shall be fifty feet.

Article 5: Required Improvements

Section 5.01 General

The subdivider shall design and construct improvements using standards not less than the standards outlined in this ordinance. The Planning Commission and Village Board upon recommendation of the Village Engineer shall approve all such plans.

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

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

Section 5.02 Monuments and Markers

5.02.01 Monuments and markers placement shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

5.02.02 Monument Construction. Monument construction shall meet or exceed the "Minimum Standards for Surveys," as the same may be amended from time to time, as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

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

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

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

Section 5.03 Street Grading, Construction, and Surface Type

5.03.01 All streets shall be graded to a minimum distance of fifteen feet from the back of the curb or edge of pavement and to within six inches of the street grade established in the approved final plat construction plans and specifications.

Design standards for the excavation and preparation of the roadbed shall be approved by the Village Engineer. Where unusual soil conditions, extra-ordinary traffic volumes, or other abnormal characteristics exist, the Village Engineer may approve alternate design standards to address such condition, if possible.

5.03.02 Concrete curbs and gutters shall be required for all streets within the boundaries of the subdivision unless accepted by the Planning Commission and Village Board in accordance with the terms of this ordinance.

5.03.03 All streets shall be poured-in-place using Portland cement concrete. Concrete shall be Class 47B-3,625 and shall conform to Division 600 of the Nebraska State Standard Specifications. Minimum compressive strength shall be 3,625 psi in twenty-eight days. To verify compressive strength of the concrete, a set of three all concrete test cylinders shall be made according to ASTM C-31 and C-39. One set of concrete cylinders shall be required for each day's concrete placement or for each 100 cubic yards of concrete placed if, more than 100 cubic yards are placed in one day. The concrete cylinders shall be tested by an approved testing laboratory and results of the testing furnished to the Village Engineer. Testing shall be conducted at seven days and twenty-eight days from the date of cylinder casting.

5.03.04 All materials used shall conform to Nebraska State Standard Specifications for Highway Construction, Division 1000, and Material Details. Curing shall be accomplished with a continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Nebraska State Standard Specifications.

Section 5.04 Street Signs, Lighting, and Electrical Power

5.04.01 At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall locate in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from said sidewalk or its intended location.

5.04.02 The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by the local power district and/or the Village Engineer.

5.04.03 New subdivision lighting and electrical power shall be installed underground. The location of easements for such wiring shall be indicated on the preliminary and final plats. All underground wiring shall conform to installation specifications required by the Nebraska State Electrical Code.

Section 5.05 Landscape Screens

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

Section 5.06 Drainage

5.06.01 A drainage management system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water within the subdivision.

1. Preliminary Plate Report shall include:
   a. Preliminary estimates of the quantity of storm water entering the subdivision both naturally and once there has been full development of lots within the subdivision.
   b. An analysis of existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, and obstructions to water flow.
   c. A preliminary grading plan illustrating the proposed drainage management system.
2. Final Plat Drainage Report shall contain:
   a. Calculations of the quantity of storm water entering the subdivision naturally and estimates of the quantity of storm water entering the subdivision once there has been full development of the lots within the subdivision based on the proposed zoning.
   b. Quantities of flow at each pick-up point.
   c. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
   d. A description of an adequate drainage management system within the subdivision and its design capacities based on a ten-year storm.
   e. An evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

5.06.02 Drainage Requirements. The drainage management system designed by the subdivider shall include culverts and storm sewers whenever necessary or required by the Village Engineer. Where storm sewers are not required, all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters, and similar or related installations necessary to

provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the Village Engineer.

5.06.03 Drainage System Standards

1. All streets shall be provided with an adequate storm drainage system of curbs, gutters, and storm sewers or open ditches.
2. Curb drainage inlets shall be provided at appropriate intervals along streets having curbs and gutters. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.
3. Where storm water flows across the intersections of streets having curbs and gutters, concrete cross gutters shall be installed at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the preliminary and final plats. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

5.06.04 Storm Drain Responsibility. The Village of Gresham will review all storm drain design criteria. In addition, the Village of Gresham may participate in the costs associated with providing adequate storm drainage.

Section 5.07 Sanitary Sewers

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

5.07.01 Within the Corporate Limits, a sanitary sewer collection system including all pipes and manholes shall be provided and said collection system shall be connected to the public sewage system in accordance with plans acceptable to the Planning Commission and Village Board.

5.07.02 Within the jurisdictional areas of the Village but outside the Corporate Limits, if a proposed subdivision is so located with regard to adequate public sewer, either existing or to be existing within one year from the date of application for final plat approval, or that said sewer is located within 500 feet of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures; is equal to or less than 150 percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.

5.07.03 If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the Village Board and appropriate to the Nebraska Department of Environment and Energy (or successor agencies) may be used. However, the Village may require the developer to provide a plan for future expansion of utilities. Including permanent easements. If on-site disposal is proposed, the subdivider shall document acceptable

percolation rates on each lot and such lots shall be adequately sized to allow for the installation and safe operation of such systems in conjunction with any proposed water supply or well location.

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

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

1. At least 8-inch sewer lines will be installed.
2. At least 4-inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size. Design standard of said system shall be in general compliance with the requirements of the Nebraska Department of Environment and Energy (or successor agencies).

Section 5.08 Water Mains

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The following requirements shall apply:

5.08.01 Type of Improvement. Within the Corporate Limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the Public Water System in accordance with plans acceptable to the Planning Commission and Village Board.

Within the jurisdictional area of the Village but outside the Corporate Limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one year from the date of application for final plat approval or that said water line is located within 500 feet of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than 150 percent of the cost of installing an individual water system for all lots, then adequate connecting lines to said Public Water System shall be constructed.

If the subdivision is not so located relative to a public water line, the Village may authorize a community well system. In addition, the Village may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision.

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

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

1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Generally, water lines shall be a minimum of 6-inches in diameter.
2. All hydrants will be located on the corner of each block or at a maximum of 400-foot intervals, unless otherwise authorized by the Village. The layout and flow design must meet the minimum requirements as set forth by the Village.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 400 feet to be out of service in any zoning district.

Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.

Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Environment and Energy (or successor agencies).

Section 5.09 Cost of Over-Size Improvements

Minimum street pavement widths for streets shall conform to the standards established in Section 4.25 of the ordinance. Minimum utility sizes shall be determined by the standards of the Village with regard to providing service to the subdivision in question.

Where pavement widths or larger pipe or main sizes are deemed necessary by the Planning Commission and Village Board, the Village may choose to bear the extra cost of providing such greater width or larger pipe or main sizes. The subdivider shall be required to pay for that part of the construction costs for the arterial streets, trunk sewers, or water mains that are serving the proposed subdivision as determined by the Planning Commission and Village Board. The Village shall pay the remainder of the costs.

Section 5.10 Extension to Boundaries

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

Section 5.11 Off-Site Extensions

If streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in this article and the Planning Commission determines that extensions across undeveloped areas are not warranted, the subdivider, if he/she wishes to proceed with the development, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the final plat. Such improvements shall be available for connections by subdividers of adjoining lands subject to Village approval.

Section 5.12 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 Village or as approved by the Village Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors, and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs, and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land be seeding and mulching or by other approved methods.

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

Article 6: Dedications and Reservations on Public Land

Section 6.01 Dedication

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

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

Article 7: Waivers and Annexations

Section 7.01 Granting of Waivers (Exceptions) and Conditions

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

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

Section 7.02 Subdivision, Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the Corporate Limits of Gresham may be included within the same and become a part of the Village of Gresham upon approval of and acceptance by ordinance. Such annexation shall only occur after the Village Board has voted to approve said inclusion by a separate vote from that approving that final plat. Further, such annexation shall occur prior to approval of the final plat for the subdivision.

When the intent of the Planning Commission and Village Board is to annex said subdivision or addition upon approval of the final plat, the following procedures shall be taken:

1. Notice of the time and place of separate Public Hearings for the Planning Commission to recommend and the Village Board to approve the annexation shall be provided pursuant to Nebraska Revised Statutes 19-904 (R.R.S. 1997).
2. The Public Hearings listed above shall be held separately from the Public Hearings held to recommend and approve the final plat of the subdivisions or additions.

Section 7.03 Amendments

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

Article 8: Administration and Enforcement

Section 8.01 General

8.01.01 It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and Village Board any violation or lack of compliance herewith.

8.01.02 No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a final plat of such subdivision has been approved by the Planning Commission and Village Board in accordance with the provisions of these regulations and filed for record with the York County Register of Deeds.

8.01.03 The subdivision or replat of any lot or any parcel by use of metes and bounds description for the purpose of sale, transfer, or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.

8.01.04 No Zoning Permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred, or leased in violation of the provisions of these regulations.

Section 8.02 Amendments

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

Section 8.03 Violation and Penalties

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

Article 9: Certification and Dedication Statements

Section 9.01 Notary Public Acknowledgment

State of Nebraska)
) ss
County of York)

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

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

_____ (SEAL)
Notary Public

My Commission Expires:_____

Section 9.02 Surveyor's Certification

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

_____ _____

Surveyor, RLS # **Date**

(SEAL)

Section 9.03 Approval of Gresham Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF GRESHAM, NEBRASKA
This plat of _____
was approved by the Gresham Planning Commission on this _____ day of _____ , 20__
.

_____
Chairperson, Gresham Planning Commission

Section 9.04 Acceptance by Gresham Village Board

ACCEPTANCE BY THE VILLAGE BOARD OF GRESHAM, NEBRASKA

This plat _____
was approved by the Village Board of the Village of Gresham, Nebraska on this _ day of ____ , 20__ .

_____
Village of Gresham SEAL
Chairperson

Attest:

_____
Village Clerk

Section 9.05 Acceptance by York County Register of Deeds

ACCEPTANCE BY YORK COUNTY REGISTER OF DEEDS

This plat _____
was recorded on this _____ day of _____ , 20__ , at book # _____ , page # ___
.

_____
York County Register of Deeds (SEAL)

Section 9.06 York County Treasurer's Certifications

YORK COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

_____ _____

York County Treasurer Date

(SEAL)

Section 9.07 Administrative Plat Approval

APPROVAL OF ADMINISTRATIVE PLAT

This administrative plat was approved by the Village of Gresham on this _____ day of _____ , 20__ .

_____ _____

Village Clerk Chairperson

_____

Zoning Administrator
(Village of Gresham SEAL)

Section 9.08 Owners Certification

OWNERS CERTIFICATION

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

This subdivision shall be known and designated as _____

_____

an addition to the Village of Gresham, Nebraska (delete previous phrase if the subdivision is located outside or the Corporate Limits and will not be annexed to the Village). All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

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

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

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

_____	_____
Signature of Owner	Signature of Owner
_____	_____
Printed Name	Printed Name
_____	_____
Date	Date

Article 10: Legal Status Provisions

Section 10.01 Severability

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

Section 10.02 Purpose of Catch Heads

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

Section 10.03 Repeal of Conflicting Ordinances

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

Section 10.04 Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Gresham, Nebraska
This _____ day of _____ .

(Seal)

Attest: _____ _____
Village Clerk Chairperson