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SEWARD COUNTY  
NEBRASKA

SUBDIVISION REGULATIONS

RESOLUTION #2567

ADOPTED BY SEWARD COUNTY, NEBRASKA  
JUNE 26, 2007

EFFECTIVE DATE  
JUNE 26, 2007

Prepared By



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

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

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

### **Section 1.02 Purpose.**

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

### **Section 1.03 Definitions.**

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

- 1.03.01 **APPLICANT** shall mean the title holder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.
- 1.03.02 **ALLEY** shall mean a public thoroughfare which affords only secondary access to property abutting thereon.
- 1.03.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.
- 1.03.04 **BOND** shall mean any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the County Board of Commissioners which meets the intent of such security required by this Resolution.
- 1.03.05 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back or where the lot width meets the minimum lot width required in the district, which ever is greater.
- 1.03.06 **CLERK** shall mean the County Clerk of Seward County, Nebraska.
- 1.03.07 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Seward County, Nebraska, as adopted by the Planning Commission and the County in accordance with the laws of the State of Nebraska and the Resolutions of Seward County.
- 1.03.08 **COUNTY** shall mean the County of Seward County, Nebraska. Also, County Board of Commissioners or governing body.
- 1.03.09 **COUNTY BOARD OF COMMISSIONERS** shall mean the governing body for the County of Seward County, Nebraska.
- 1.03.10 **COUNTY ENGINEER** shall mean the County Engineer of the County of Seward County retained by the County Board of Commissioners for the recommendation, advice, and implementation of engineering work as requested by the County.
- 1.03.11 **CUL-DE-SAC** shall mean a short public way with one end open to traffic and the other end terminated by a vehicular turn-around.
- 1.03.12 **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.
- 1.03.13 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.03.14 **DEVELOPER.** See "Subdivider".

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- 1.03.15 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation, or person(s) for a specific purpose or purposes.
- 1.03.16 **ENGINEER, COUNTY** shall mean the engineer ordinarily retained by Seward County, Nebraska, for the recommendation, advice and execution of engineering work as requested by the County.
- 1.03.17 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.
- 1.03.18 **FLOODWAY** shall mean the cross-sectional area or channel of a stream or river with the capacity needed to hydrologically convey the flood flows produced by a 100-year frequency storm.
- 1.03.19 **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.
- 1.03.20 **HARD SURFACED PAVING** shall mean the use of concrete or asphaltic concrete to construct the final driving surface on a road or street.
- 1.03.21 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the County Board of Commissioners or its specific approving authority.
- 1.03.22 **LOT** shall mean a parcel, tract or area of land created in conformance with these regulations, that may be separately owned, used, developed or built upon.
- 1.03.23 **LOT, CORNER** shall mean a lot abutting upon two or more streets at their intersection.
- 1.03.24 **LOT, DEPTH OF** shall mean the average horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.03.25 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 1.03.26 **LOT, FLAG** shall mean those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
- 1.03.27 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.03.28 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.03.29 **LOT LINE** shall mean the boundary line of a lot.
- 1.03.30 **LOT MINIMUM AREA** shall mean the minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.
- 1.03.31 **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.
- 1.03.32 **LOT PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the County and recorded in the office of the Register of Deeds for Seward County.
- 1.03.33 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Seward County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of these regulations.

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- 1.03.34 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one street.
- 1.03.35 **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.
- 1.03.36 **MASTER PLAN** See Comprehensive Development Plan.
- 1.03.37 **MONUMENT** shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 1.03.38 **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.
- 1.03.39 **PLANNING COMMISSION** shall mean the Planning Commission of Seward County, Nebraska.
- 1.03.40 **PLAT** shall mean a map which delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 1.03.41 **PLAT, FINAL** shall mean the final plat of a development, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.
- 1.03.42 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.
- 1.03.43 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.03.44 **STREET** shall mean public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the County Board of Commissioners, private streets may be authorized as part of planned developments.
- 1.03.45 **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 as designated in the Comprehensive Development Plan.
- 1.03.46 **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.
- 1.03.47 **STREET, MINOR** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 1.03.48 **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 1.03.49 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than 10 acres in size.
- 1.03.50 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.03.51 **ZONING RESOLUTION** shall mean the Zoning Resolution of the County of Seward County as amended from time to time.

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## **ARTICLE 2: GENERAL PROVISIONS**

### **Section 2.01 Purpose.**

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

### **Section 2.02 Jurisdiction.**

The provisions of these regulations shall apply to all land located within the legal boundaries of the County, as the same may be amended by subsequent annexation, and shall also include all land lying within one mile of the corporate limits of the County less those areas under the jurisdiction of the municipalities, as modified from time to time through annexation; plus the controlling extraterritorial jurisdictions of the municipalities if adopted.

### **Section 2.03 Powers.**

No plat of a subdivision of land lying within the jurisdiction of the County 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 County Board of Commissioners and the County Board of Commissioners has approved the final plat.

It shall be unlawful for the owner, agent, or person having control of any land within the jurisdiction of the County, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §23-114.01 (Reissue 1997) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any County, or any City incorporated or unincorporated, within the jurisdiction of the County, shall be deemed to have received approval as required by Neb. Rev. Stat. §23-114.01 (Reissue 1997).

### **Section 2.04 Applicability.**

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

### **Section 2.05 Interpretation.**

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

### **Section 2.06 Conflict.**

No final plat of land within the force and effect of the existing Zoning Regulations shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Subdivision Regulations, or other official regulations or Resolutions, the most restrictive shall apply.

### **Section 2.07 Zoning Permits.**

Unless a tract shall have been platted in accordance with the provisions of this Resolution, 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, 10 days prior to such hearing.

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**Section 2.09 On-Site Wastewater Treatment Systems**

In accordance with NDEQ Title 124, all subdivisions with less than three acres shall submit the subdivision plans to the agency for review and approval. All requirements and comments returned by the agency shall be met prior to Seward County issuing a Occupancy Permit.

Title 124, from time to time, may be modified and amended by the State of Nebraska. If Title 124 is amended and the effective date occurs prior to any amendment to this resolution, the applicant shall follow the new state regulations.

**Section 2.10 Modifications.**

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations. The County Board of Commissioners, after report from the Planning Commission, may modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that: such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Plan of the Planning Area of the County.

The standards and requirements of these regulations may be modified by the Governing Body after report by the Planning Commission in the case of a planned development or a redevelopment project involving the resubdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

**Section 2.11 Building Permits Prohibited**

No officer or employee of Seward County shall issue any building permit 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 agent of any utility company shall make any utility connections or issue any order for utility connections for any building or buildings constructed or proposed to be constructed without a building permit first being issued by Seward County.

**Section 2.12 Subdivision within a R-1 Zoning District**

Any R-1 Residential District shall be consistent and comply with the policies within the Comprehensive Development Plan under Rural Estates Development in the Land Use Section.

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## ARTICLE 3: PROCEDURES

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

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

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

These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Zoning Administrator 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 this Resolution. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the Preliminary Plat.

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

- 3.02.01 Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the jurisdiction of Seward County, the subdivider or his or her agent shall file a preliminary plat of said subdivision with the Seward 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 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 Plan.
- 3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan and Zoning Resolution. The subdivider shall be responsible for such conformance.
- 3.02.03 A total of 25 copies of the Preliminary Plat and required supplementary material as specified in Section 3 of these regulations shall be submitted to the Zoning Administrator at least 21 days prior to the meeting at which it is to be considered. The Zoning Administrator shall distribute one copy of the Preliminary Plat with a request for comments within 21 days to each of the following: County Engineer, Highway Superintendent, School Board, Fire District, law enforcement, and wherever else deemed necessary by the Planning Commission.
- 3.02.04 The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a newspaper of general circulation in Seward County, Nebraska, and will (1) review the preliminary plat and other material submitted for conformity thereof to these regulations, (2) review any recommendations of the County Engineer, Highway Superintendent, School Board, Fire Department, law enforcement, and other Agencies, (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him. The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
- 3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
- 3.02.06 The action of the Planning Commission shall be noted on or attached to two copies of the Preliminary Plat. One copy shall be returned to the subdivider and the other retained by the Planning Commission.
- 3.02.07 If the Planning Commission recommends disapproval or approval, then the clerk will order Notice of Hearing before the County Board of Commissioners to be published. The notice must be published at least 10 days prior to the Hearing in a paper of general circulation. The County Board of Commissioners may (1) concur with the Planning Commission's Recommendation; (2) reverse the Planning Commission's recommendation; or (3) refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission.
- 3.02.08 Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves

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as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval.

**Section 3.03 Preliminary Plat Specifications.**

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

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion.
- 3.03.03 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible for the subdivision layout; and the names of all landowners abutting the proposed subdivision.
- 3.03.04 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.
- 3.03.05 Width and location of platted streets and alleys within or adjacent to the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required)
- 3.03.06 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
- 3.03.07 The location and width of proposed streets, easements, building setback lines, Rights of Way, pavement width and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by these regulations.
- 3.03.08 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
- 3.03.09 The subdivider or subdividers representative shall be in attendance at the County Planning Commission Meeting when Preliminary Plat is discussed.
- 3.03.10 When required, two prints of the following to be delivered to the County Engineer/Highway Superintendent for review:
  1. A sanitary sewer plan, if applicable.
  2. A surface storm drainage plan, if necessary, within the subdivision.
  3. A street profile plan with a statement of proposed street improvements.

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

- 3.04.01 The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The Final Plat shall be submitted to the Zoning Administrator for approval at least 21 days prior to the meeting at which it is to be considered. The Zoning Administrator shall advertise and notice a public hearing on the final plat as per Nebraska State Statutes.
- 3.04.03 One reproducible copy and 25 copies of the original shall be prepared as specified in these regulations.
- 3.04.04 The Planning Commission will consider the Final Plat at a public hearing, of which notice is given in a newspaper of general circulation in Seward County, Nebraska, and will (1) review the final plat and other material submitted for conformity thereof to these regulations and (2) review any recommendations of any reviewing agency and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him. The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
- 3.04.05 Upon approval of the Final Plat, a certification of approval by the County Board of Commissioners shall be endorsed thereon by the County Clerk, and the original shall be filed with the Seward County Clerk, the reproducible copy with the County Clerk, and the two copies of the original with the Planning Commission.
- 3.04.06 The Final Approval by the County Board of Commissioners shall be by Resolution after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of this Resolution.
- 3.04.07 The County Board of Commissioners may require the creation and approval of a Subdivision



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Agreement that directs specific items of understanding between the developer and the County.

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

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered engineer or registered land surveyor for recording purposes and shall submit:

3.05.01 Final Plat, in conformance with the approved preliminary plat, shall include:

1. Name of subdivision.
2. Date, north arrow and graphic scale.
3. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards For Surveys", as established by the Professional Surveyors Association of Nebraska.
4. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
5. Names and widths of the streets, and block and lot numbers.
6. Location of lots, streets, public highways, alleys and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing.  
It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or iron rod, with a minimal diameter of 5/8 inch and minimal length of 24 inches.
8. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes.
9. A certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
10. A form for the approval of the Planning Commission.
11. A form for the approval of the County Board of Commissioners to be signed by the County Board of Commissioners chair and attested to by the County Clerk.
12. A legal description of the perimeter of the subdivision.
13. A form for Acknowledgment by Notary.
14. A form for Certificate of County Register of Deeds.
15. One copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.

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

**Section 3.06 Vacation of Plat of Record.**

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

1. The Plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Comprehensive Plan.

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 County Board of Commissioners. The County Board of Commissioners shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Seward County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

**Section 3.07 Replats/Small Tract Subdivision.**

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Whenever a subdivision or resubdivision of a parcel consists of four 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 Zoning Administrator, separate submission will not serve the public interest and will not conflict with the intent of these regulations.

**3.07.01 Concurrent Plats shall:**

1. Be discussed with the Planning Commission at a scheduled pre-application Conference, as set out in Section 1 of this article.
2. Be submitted to the County Clerk at least 21 days prior to the next regular meeting of the Planning Commission at which request is to be heard.
3. Be accompanied by the applications fees and completed application forms as required.
4. Follow the procedure set forth herein and contain the required information Preliminary and Final Plats.
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
6. Exceptions: Drainage reports shall not be required for the following:
  - A. Subdivision of existing tax lots that are primarily developed.
  - B. Subdivision of a farmstead that creates not more than two lots and allows for the split of the main residence from the remaining farmstead.
  - C. Acreages where lots are not less than one acre in size.
7. Changes required by the Planning Commission shall be made prior to submission to governing body. Final plans shall be submitted to the Zoning Administrator at least 15 days prior to the next regular meeting of the Governing Body.
8. A final plat, in conformance with Section 5, shall be submitted to the County Board of Commissioners for review and action prior to start of construction. Such hearing shall be posted with notice at least 10 days prior to the Hearing in a paper of general circulation.

**Section 3.08 Lot Splits and Administrative Plats.**

**3.08.01 General**

The intent of this section is to provide for the issuance of zoning/building permits in lots divided into not more than four tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission shall review all lot splits and forward its recommendations to the County Board of Commissioners. The County Board of Commissioners shall then review the lot split application and make a final determination. The County Board of Commissioners may approve or disapprove lot splits in accordance with the following regulations.

**3.08.02 Application Procedure**

Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator. A total of 25 copies of a scale drawing of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, 25 copies of a survey of the lot(s) and the location of the structures(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.

**3.08.03 Approval Guidelines**

Approval or disapproval of lot splits shall be made based on the following guidelines:

1. No lot split shall be approved if:
  - A. A new street or alley is needed or proposed.
  - B. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - C. if such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - D. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
  - E. All easement requirements have not been satisfied.
  - F. if such split will result in a tract without direct access to a street.
  - G. A substandard-sized lot or parcel will be created.
  - H. if the lot has been previously split in accordance with these regulations.

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2. No lot splits shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the Resolution requirements concerning minimum areas and dimensions of such lots.
  3. The Planning Commission and County Board of Commissioners may make recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations.
  4. The County Board of Commissioners, in writing, either approve, with or without conditions, or disapprove the lot split within 35 days of application. The County Board of Commissioners 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, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

**3.08.04 Filing Fee**

The filing fee for lot splits shall be set by the Governing Body.

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## **ARTICLE 4: DESIGN STANDARDS**

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

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

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive 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 plan and issue proper extension of future roads and services.

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

The following Minimum Design Standards for streets and roads shall be required no matter if the County is going to accept dedication of Rights-of-Way or does not anticipate accepting said dedications. The Minimum Design Standards are established to protect the general health, safety and welfare of the public.

### **Section 4.02 Streets.**

1. 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, 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.
2. The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least 25 feet or other approved design.
3. Where a proposed subdivision is adjacent to or contains a railroad right-of-way, the County Board 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 land would be typically used for a green space buffer between the uses within the subdivision and the railroad.
4. Where a street that is not hard surfaced within a subdivision and the said street connects to a hard surfaced street or highway outside of the subdivision, the developer shall construct a hard surfaced apron at the intersection and the apron shall extend a minimum of 200 feet into the subdivision.

### **Section 4.03 Companion Easements**

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

- 4.03.01 The proposed subdivision contains sufficient area and design that approval of the option will not create a potential problem in the construction of streets,
- 4.03.02 there are areas for storm drainage control or public purpose are dedicated by easement or where a homeowners association is created and approved to provide perpetual maintenance of such common areas or where the County accepts dedication to the public,

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4.03.03 The required rights-of-way are of sufficient width to accommodate future traffic needs consistent with the recommendations of the Comprehensive Plan and the standards set forth herein.

**Section 4.04 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 Resolution. Access to lots located on arterials shall be approved by the County.

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

Dedication of Rights-of-Way and new streets shall only occur if the County Board of Commissioners agrees to accept said dedication.

**Section 4.05 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 Resolution. 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. Dedication of one-half of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

Dedication of Rights-of-Way and existing Streets shall only occur if the County Board of Commissioners agree to accept said dedication.

**Section 4.06 Intersections.**

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

**Section 4.07 Curves in Streets; Horizontal and Vertical.**

A tangent at least 100 feet long 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 with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in schedule A of this Resolution.

**Section 4.08 Street Grades and Elevations.**

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than four tenths (0.4' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not serve to increase flood elevations more than one foot. Street grades shall conform to the minimum requirements provided in Schedule A of this Resolution.

**Section 4.09 Frontage Roads/Marginal Access Streets.**

Where a subdivision fronts on or contains an existing or proposed arterial street, the Planning Commission shall require marginal access streets in all situations indicated below, or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and

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traffic handling capabilities of the arterial street.

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

**Section 4.10 Street Jogs.**

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

**Section 4.11 Cul-de-sac Streets.**

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than 600 feet and shall provide a turnaround having a radius at the outside of the pavement of at least 50 feet and a radius at the right-of-way of at least 65 feet. Alternative designs for temporary turn-around may be approved by the County.

**Section 4.12 Street Names.**

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be approved by the County Board of Commissioners 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 County Board of Commissioners as an exception to the terms of the Resolution. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

**Section 4.14 Blocks.**

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

**Section 4.15 Lots.**

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall be developed to channel surface drainage to lot lines and not across adjacent properties. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to street lines.

**Section 4.16 Through (Double Frontage) Lots.**

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

**Section 4.17 Easements.**

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 16 feet in width - eight feet each side of lot line. A minimum of 10 feet, five feet on each side of a side yard setback line shall be allowed in those zoning districts that require only a five feet side yard.

Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as will be adequate for the purpose of retaining the water handling capacity of the water course.

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**Section 4.18 Storm Sewer System.**

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

**Section 4.19 Flood Hazards.**

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

**Section 4.20 Conformance with Other Regulations.**

No final plat of land within the County or its jurisdictional area shall be approved unless it conforms to existing zoning regulations.

Specific design standards and required improvements may be waived only by the Planning Commission and County Board of Commissioners in accordance with these regulations.

Whenever there is a variance between the minimum standards set forth in these regulations and those contained in other regulations the highest standard shall govern.

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## **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 Resolution. All such plans shall be approved by the Planning Commission and County Board of Commissioners upon recommendation of the County Engineer.

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

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

### **Section 5.02 Monuments and Markers.**

Monuments and markers placement shall be as follows:

Concrete monuments shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

### **Section 5.03 Monument Construction.**

Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

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

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

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

### **Section 5.04 Street Grading and Construction.**

1. All streets shall be graded to a minimum 15 feet 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.
2. Higher design standards may be required by the Planning Commission and County Board of Commissioners to provide for unusual soil conditions or extraordinary traffic volumes or other abnormal characteristics.
3. Curbs and gutters shall be optional for all streets within the boundaries of the subdivision unless excepted by the Planning Commission in accordance with the terms of this Resolution. If curb and gutter drainage is not provided, the subdivider shall provide for proper drainage through a rural ditch design. Said drainage shall be designed to include properly sized culverts and depth of ditch to handle the anticipated drainage.
4. Where hard surfacing material is used for paving within the subdivision, the material used shall asphaltic concrete or Portland Cement Concrete of at least six inches and shall be constructed in accordance with designs and specifications approved by the County Board.

### **Section 5.05 Street Signs, Lighting and Electrical Power.**



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At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof.

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 Nebraska Public Power District (Subsequent providers) and/or County Engineer.

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

**Section 5.06 Landscape Screens.**

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

**Section 5.07 Drainage.**

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. Culverts shall be constructed and installed whenever necessary as determined by the Planning Commission to provide adequate drainage in accordance with recommendations of the County Engineer. In addition, the developer shall submit, unless specifically waived by the Planning Commission, a drainage report prepared by a registered professional engineer or surveyor as to the existing and proposed drainage conditions. A preliminary report shall be included on the preliminary plat. The final report shall be attached to the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

5.07.01. The preliminary plat report shall include:

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

5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a 10 year storm.

5.07.03 Drainage Requirements

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

5.07.04 Drainage System Standards

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

Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.

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

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

5.07.05 Storm Drain Responsibility

Seward County will review all storm drain design criteria. In addition, the County may participate in the costs associated with providing adequate storm drainage.

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

### **Section 6.01 Dedication.**

As a condition of final plat approval, the subdivider may be required to dedicate to the public all streets and alleys as may be determined and required by the Planning Commission and County Board of Commissioners. 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 County is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the County and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

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

Before preliminary or final plat approval is given, the Planning Commission and County Board of Commissioners may require the subdivider to reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the Planning Commission and County Board of Commissioners.

Reservation of land for public acquisition and/or use shall be for a period not to exceed two years from the date the plat is officially recorded unless otherwise provided for in these regulations. If such reserved site is not acquired by the County or other governmental entity within said two year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or the entire site.

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## **ARTICLE 7: WAIVERS AND AMENDMENTS**

### **Section 7.01 Granting of Waivers (Exceptions) and Conditions.**

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

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

### **Section 7.02 Cluster Developments.**

The Planning Commission and County Board of Commissioners may also grant reasonable waivers to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a cluster development. The subdivider shall indicate where the plans vary from the requirements of this Resolution and shall present evidence to support such requests.

### **Section 7.03 Amendments.**

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

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## **ARTICLE 8: ADMINISTRATION/ENFORCEMENT**

### **Section 8.01 General.**

The following apply towards administration of this Resolution:

- 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 County Board of Commissioners 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 plat of such subdivision has been approved by the Planning Commission and County Board of Commissioners in accordance with the provisions of these regulations, and filed for record with Seward County Register of Deeds.
- 8.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade 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 Violation/Penalties.**

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a Class III Misdemeanor and shall be punishable by a fine not to exceed \$500.00 plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

**SCHEDULE A:  
MINIMUM DESIGN STANDARDS FOR URBAN STREETS  
(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)**

Roadway Classification	Design Year ADT	Design Speed (MPH)-Min.	Maximum Curve (Deg.)	Maximum Grade (%)	Number of Lanes-Min.	Lane Width Ft.-Min.	R.O.W.	Shoulder Width Ft.-Min.	Surfacing Type-Minimum
Major Arterial*	***	50	7	7	2	12	100'	8	Hard Surface
Other Arterial includes all section line roads	*** 3,000+	30	15	8	4	11	70'	8	Concrete with curb & gutters
Collector*	500-2,000	25	20	10	3	12	70'	6	Concrete with curb & gutters
Local	200-500	25	30	10	2	14	50'	6	Concrete with curb & gutters
Alleys	NA	15	30	15	1	10	20'	None	Concrete with curb & gutters
Cul-de-Sac** Streets	0-200	15	30	10	2	12.5	110'	4	Concrete with curb & gutters

SOURCE: 2002 Minimum Design Standards of the State of Nebraska Board of Public Roads.

\* Streets in these classifications shall be designed and graded to full right-of-way widths stated.

\*\* Cul-de-Sac streets shall have a right-of-way diameter of 110 feet at their terminal end, a pavement turn around diameter of 80 feet, and a maximum length of 600 feet.

\*\*\* Design should be based on 1200 V.P.H. per lane in design year, or 250-500 V.P.H. per lane in design year when cross and turning traffic is sufficiently great to require signal control. "Design Year" shall be year of initial construction plus 20 years.

**MINIMUM DESIGN STANDARDS FOR RURAL ROADS AND HIGHWAYS**  
**(All Streets and Roads Will Meet State of Nebraska, Board of Public Roads Standards)**

Roadway Classification	Design Year		Design Speed (MPH)-Min.	Maximum Curve (Deg.)	Maximum Grade (%)	Number of Lanes-Min.	Lane Width Ft.-Min.	R.O.W. (Feet)	Surfacing Type-Minimum
	ADT	DHV							
Interstate			75	3.0	3	4 Div. Min.	12	300'	Hard Surface
Expressway			75	3.0	3	4 Div.	12	300'	Hard Surface
Major Arterial	Over 800 400-800 250-400 180-250 Under 180	Over 750	70	3.5	4	4 Div.	12	150'	Hard Surface
		350-750	70	3.5	4	2	12		Hard Surface
		180-350	70	3.5	4	2	12		Hard Surface
		Under 800	70	3.5	4	2	12		Hard Surface
			65	4.5	5	2	12		Hard Surface
			65	4.5	6	2	12		Hard Surface
			50	7.5	7	2	11		Hard Surface
	40	7.5	7	2	11	Hard Surface			
	Current ADT								
Other Arterial	401-750		50	7.5	7	2	12	100'	Agg.
	251-400		50	7.5	7	2	11		Agg.
	51-250		50	7.5	7	2	10		Agg.
	0-50		40	8.0	8	2	10		Agg.
Collector	251-400		50	7.5	7	2	11	70'	Agg.
	51-250		50	7.5	7	2	10		Agg.
	0-50		40	10.0	9	2	10		Agg.
Local	251-400		50	7.5	7	2	11	66'	Agg.
	51-250		50	7.5	7	2	10		Agg.
	0-50		30	23.0	10	2	10		Agg.

NOTE: Design Year shall be year of initial construction plus 20 years.  
SOURCE: 2002 Minimum Design Standards of the State of Nebraska Board of Public Roads.

**SCHEDULE B: CERTIFICATION AND DEDICATION STATEMENTS**

**SURVEYORS CERTIFICATION:**

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

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

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

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

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

ATTEST:

Secretary of Planning Commission

This plat approved by the County Board of Commissioners of Seward County, Nebraska, this \_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

ATTEST:

County Clerk

[A blank space for noting entry on the transfer record in the following form:]

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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



**OWNERS CERTIFICATION:**

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

This subdivision shall be known and designated as \_\_\_\_\_, an addition to the County of Seward County, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the County). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**STATE OF NEBRASKA**

**COUNTY OF SEWARD**

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

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

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