

**ARTICLE 37**

**SUBDIVISIONS: BASIC CONDITIONS**

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**11.3701 Purpose**

The purposes of this Article are to:

- a. Serve the public health, safety, and general welfare of the city and residents of Seward and its surrounding jurisdiction.
- b. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
- c. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
- d. Avoid excessive costs to the taxpayers of Seward or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
- e. Protect the unique environment of the City of Seward by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
- f. Provide the City of Seward with the ability to grow incrementally through the eventual annexation of new developments.

**11.3702 Jurisdiction and Applicability**

- a. The provisions of this section shall be applicable to all property within the corporate limits of the City of Seward and its two-mile extraterritorial jurisdiction.
- b. No owner of real property within the City of Seward and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this section.
- c. The provisions of this section apply to all zoning districts. However, specific standards and requirements may be modified for developments in TND Traditional Neighborhood Development Overlay District.

**11.3703 Interpretation, Conflict, and Severability**

- a. These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other

provision of the Land Development Ordinance, any other Ordinance of the City of Seward, or any applicable State or Federal law, the more restrictive provision shall apply.

b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

**ARTICLE 38**

**SUBDIVISION APPROVALS AND PROCEDURES**

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**11.3801 Purpose**

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Section provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

**11.3802 Administrative Subdivisions**

a. Scope

The Administrative Subdivision procedure may be used to adjust an interior lot line, to create no more than four lots, or to combine two or more lots without replatting providing the following conditions are met:

1. In the case of an Administrative Lot Line Adjustment:

- (a) The lots involved must be designated within the same zoning district and the proposed adjustment will not create or result in a violation of the Unified Land Development Ordinance.
- (b) The lots involved must be existing platted lots.
- (c) The adjustment alters lot lines of no more than four lots.

2. In the case of an Administrative Platting or Lot Consolidation:

- (a) The lots involved must be designated within the same zoning district and the proposed platting or lot consolidation will not create or result in a violation of the Unified Land Development Ordinance.
- (b) The lots involved must be existing platted lots.
- (c) The lots must be under unified ownership.
- (d) The proposed platting creates no more than four lots, or the proposed consolidation consolidates no more than four lots.

3. A lot is limited to only one instance of an administrative adjustment, platting and/or consolidation.

4. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.

5. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development Ordinance.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form provided by the City of Seward and including the supporting documents required for Administrative Subdivisions in Table 11.3801. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. The plat document shall also include existing public improvements that serve the site; and shall include a demonstration that required setbacks may be met. A fee of one hundred dollars (\$100.00) together with filing fees shall accompany the application.

2. Following submission, the Zoning Administrator and Public Works Director shall review each application according to the following criteria:

(a) Compliance with the conditions contained in Section 11.3802(a) above.

(b) Consistency with the Comprehensive Development Plan of the City of Seward.

(c) Potential adverse environmental effects or effects on neighboring properties.

3. Following such review, the Zoning Administrator may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval that must be filed along with the plat with the Seward County Register of Deeds.

4. The Zoning Administrator retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.

5. Following approval of an Administrative Subdivision, the Zoning Administrator shall file the plat and certificate of approval with the Seward County Register of Deeds.

6. The City Clerk/ Zoning Administrator shall keep a complete and accurate record of all administrative subdivision approvals.

**11.3803 Minor Subdivisions**

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four new lots without creating additional lots; or creates no more than four lots from any single parcel, tract, or lot.
2. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development Ordinance.
4. No part of the parcel has been the subject of a previous Administrative or Minor Subdivision approval.
5. No lot resulting from the Minor Subdivision shall be smaller than 60% of the size of the smallest lot on the block containing the subdivision.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the City and including the supporting documents required for Administrative Subdivisions in Table 11.3801. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. A fee of one hundred dollars (\$100.00) together with filing fees shall accompany each application.
2. Following submission, the Zoning Administrator shall review each application according to the following criteria:
  - (a) Compliance with the conditions contained in Section 11.3803.3(a) above.
  - (b) Consistency with the Comprehensive Development Plan of the City of Seward.
  - (c) Potential adverse environmental effects or effects on neighboring properties.
  - (d) Effects of the subdivision on public services. In order to determine this effect, the Zoning Administrator may submit the application to relevant school districts, utilities, and public safety agencies as required.
3. Following such review, the Zoning Administrator shall forward the application along with his/her recommendation, to the Planning Commission.
4. The Planning Commission, following proper notice, shall hold a public hearing on each Minor Subdivision and, following such public hearing, shall take action on the application. If the

subdivision is approved by the Planning Commission, the approval shall be documented by a certificate of approval, executed by the Zoning Administrator and the Chairperson of the Planning Commission. This certificate shall be filed along with the approved plat with the Seward County Register of Deeds. A record of all subdivisions and certificates of approval shall also be maintained by the City Clerk.

5. The Planning Commission retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.

6. Following approval of a Minor Subdivision, the Zoning Administrator shall file the plat and certificate of approval with the Seward County Register of Deeds.

7. The City Clerk/ Zoning Administrator shall keep a complete and accurate record of all Minor Subdivision approvals.

#### **11.3804 Major Subdivisions**

##### a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures. In general, these include subdivisions that: 1) are not approved under the Administrative or Minor Subdivision procedure; 2) create more than four lots; 3) require development or extension of public improvements.

##### b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

##### c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Zoning Administrator regarding general requirements and issues relating to the proposed subdivision.

2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:

(a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.

(b) A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.

3. Within fifteen working days, the Zoning Administrator shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance.

4. The pre-application conference does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file 20 copies of a proposed preliminary plat. The application for preliminary plat approval shall be submitted to the Zoning Administrator at least 30 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; the supporting documents required for Major Subdivisions in Table 11.3801; and payment of a filing fee of four hundred dollars (\$400.00) plus forty dollars (\$40.00) per lot and a notification fee of one hundred dollars (\$100.00). The plat shall not be accepted until the filing fee has been paid.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision agreement prepared by the City following a format established by the City of Seward. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision. The City may elect to waive this requirement if it finds that such a subdivision agreement is unnecessary.

3. Preliminary Plat Approval Procedure

- (a) After submission of a complete application for a preliminary plat, the Zoning Administrator shall review the application. As part of the review, the Zoning Administrator will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within a fifteen (15) day period.

- (b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning Commission.

- (c) The Planning Commission, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues.

- (d) Following action by the Planning Commission, a written recommendation summarizing the Commission's action shall be transmitted to the City Council.

(e) The City Council, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application.

(f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

(1) The general terms and conditions under which the plat was approved will not change.

(2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval. For some subdivisions, the preliminary and final plats may be submitted and approved simultaneously.

(3) The preliminary plat approval shall stay in force for an indefinite period of time from the date of approval by the City Council. The City Council may, at its discretion, establish a specific effective period or expiration date for a preliminary plat.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval. The application for final plat approval shall be submitted to the Zoning Administrator at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the City of Seward; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 11.3801; and payment of a filing fee of one hundred dollars (\$100.00) plus ten dollars (\$10.00) for each lot and filing fees. The final plat shall not be accepted for filing until the filing fee has been paid.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

(a) The Zoning Administrator and Planning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Land Development Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

(b) If the Planning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Land Development Ordinance, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

(c) The City Council shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Land Development Ordinance after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

1. Following City Council approval of a final plat, the Chairman of the Planning Commission and the Mayor of the City of Seward shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.

2. The passage of an Ordinance by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The Zoning Administrator shall record the plat in the office of the Register of Deeds of Seward County and shall file an executed print on mylar or similar film in the office of the City Clerk/ Zoning Administrator as satisfactory evidence of such recording before the City shall recognize the plat as being in force.

3. The subdivider must file the fully executed plat along with all applicable covenants and other documentation within 90 days of the execution of the plat by the Chairman of the Planning Commission and the Mayor. Filings shall be with the Seward County Register of Deeds and the State Survey Depository Record.

**Table 11.3801:  
Application Requirements**

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
Name, address of owner and applicant.	X	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X		X
Title block, denoting type of application, legal description, and general location.	X	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, city limits, and other features within 200 feet of the subdivision boundary.	X	X	X	X
Present and proposed zoning.	X	X	X	X
North arrow, date, and graphic scale.	X	X	X	X
Benchmark NGVD 1929 or NAVD 1988	X	X	X	X
Signature blocks for Planning Commission Chair, Administrative Official, and Mayor.	X	X	X	X
Appropriate certification blocks.	X	X	X	X
Documentation.	X	X		X
Metes and bounds description, including dimensions, bearings, curb data, tangent length, radii, arcs, chords, and central angles for all centerlines and ROW's, and centerline curves on streets.			X	X
Acreage of tract.			X	X
Date of original and all revisions.	X	X	X	X
Dimensioning of setbacks.		X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X

All proposed lot lines, lot dimensions, and lot areas in square feet.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
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**Table 11.3801:  
Application Requirements**

	<b>ADMINISTRATIVE SUBDIVISION</b>	<b>MINOR SUBDIVISION</b>	<b>MAJOR SUBDIVISION</b>	
			<b>Preliminary</b>	<b>Final</b>
<b>PLAT INFORMATION (cont.)</b>				
Existing and proposed easements or land reserved for or dedicated to public use.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Phasing plan.			<b>X</b>	<b>X</b>
Payment of application fees.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>ENVIRONMENTAL INFORMATION</b>				
Property lines within 200 feet.		<b>X</b>	<b>X</b>	<b>X</b>
All existing watercourses, flood-plains, wetlands, habitat areas or other environmentally sensitive features within 200 feet.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Existing ROW's and easements within 200 feet.		<b>X</b>	<b>X</b>	
Topography at two- foot contours including areas up to 200 feet of the plat boundaries.		<b>X</b>	<b>X</b>	
Existing site drainage system.		<b>X</b>	<b>X</b>	
Drainage calculations and percolation tests if needed.			<b>X</b>	<b>X</b>
<b>IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management and detention.			<b>X (Concept)</b>	<b>X (Detail)</b>
Road and paving cross-sections.			<b>X</b>	
Proposed street names.			<b>X</b>	<b>X</b>
New block and lot numbers.		<b>X</b>	<b>X</b>	<b>X</b>

**Table 11.3801:  
Application Requirements**

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Certifications and seals from licensed Professional Engineer and/or Licensed Surveyor, as required by State Statute.	X	X		X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources).			X	X
Draft subdivision agreement.			X	
Final subdivision agreement.				X
Required Number of Copies of Plat Document	5	15	20	20
Reduced 8 ½ by 11 copy		1	1	1
Required Minimum Scale of Plat Documents	1"=100 feet	1"=100 feet	1"=200 feet	1"=100 feet
18x24 inch Submission of Final Plat to register of Deeds and City of Seward		X		X
Electronic file to City of Seward		X	X	X

## ARTICLE 39

### SUBDIVISION DESIGN CRITERIA AND GENERAL STANDARDS

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#### 11.3901 Purpose

The purpose of this Article is to provide flexible design alternatives in order to assure that subdivisions in the Seward area create functional and attractive environments, minimize adverse effects, become assets to the city's urban and natural setting, and adapt to their specific situation. The section defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Seward and jurisdiction. It outlines specific design criteria that should be incorporated into the concepts of various types of subdivisions.

#### 11.3902 Site Design and Constraints

##### a. Consideration of Plans

The design of developments shall consider all existing local and regional plans for Seward and its Jurisdiction. These include the Comprehensive Development Plan for the City of Seward.

##### b. Grading Plan Required

1. A Grading Plan is required for erosion and sediment control on all construction sites greater than 5 acres in size. Prior to grading or site disturbing activity, the developer shall apply to the Building Department for a grading permit. The application for a grading permit shall include:

(a) A location map showing the location and extent of grading activity.

(b) A Sediment and Erosion Control Plan.

2. After submission of a complete application for a grading permit, the Zoning Administrator shall review the application. As part of the review, the Zoning Administrator shall circulate the petition to any agency with statutory authority for the management of drainageways and stormwater management.

3. A grading permit shall be issued within ten working days if the Zoning Administrator has received assurances from applicable state agencies that the Sediment and Erosion Control Plan is compatible with statute, and further that it is compatible with the objectives and policies of the City's Comprehensive Development Plan and Land Development Ordinance. If the submitted Sediment and Erosion Control Plan is deemed inadequate, the applicant will be given a list of mitigation measures that must be included to ensure conformance. The Zoning Administrator shall issue a grading permit to the applicant upon certification that mitigation measures will be taken as prescribed, consistent with applicable state and federal regulations regarding soil and sediment erosion, and environmental water quality.

##### c. National Pollutant Discharge Elimination System Stormwater Permit

The subdivider shall obtain coverage under the general National Pollutant Discharge Elimination System (NPDES) permit (Number NER 100000) for stormwater discharge. A copy of the general permit is available at the office of the Public Works Superintendent. The subdivider shall apply for authorization to discharge by submitting a Notice of Intent (NOI) using form CSW-NOI. The subdivider shall comply with the terms and conditions of the general permit. A copy of the NOI shall be submitted to the Public Works Superintendent along with the agreement prior to the beginning of any construction activities. This item shall be considered incidental to the project and shall not be subject to a separate fee.

d. Preservation of Natural Features and Drainage Patterns

1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
  - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service. Construction and fill activity shall be prohibited on wetlands in excess of one acre in size. Development and fill upon wetlands smaller than once acre in size should be avoided whenever possible, but regulated by permit authority of applicable state and federal agencies.
  - (b) Significant stands or mature specimens of trees shall be designated by required tree surveys.
    - (1) Non-Residential and Attached Residential: No tree taller than 20 feet or larger than 12 inches in diameter (measured six inches above the ground) shall be removed except when approved by the Zoning Administrator or his/her designee. Trees removed subject to City approval shall be replaced as noted in Table 11.3901. The owner of a site with natural landscaping that is unhealthful (for example, spaced too closely) may be permitted to plant replacement trees in the parkway or elsewhere in the City, if approved by the Zoning Administrator.

**Table 11.3901: Tree Replacement Schedule**

<b>Diameter of Removed Tree</b>	<b>Number of Replacement Trees</b>
12" to 25"	4 trees at 2" or 2 trees at 4"
26" or Greater	6 trees at 2" or 3 trees at 4"

- (2) Single-Family Residential: Placement of the building must avoid trees taller than 20 feet or larger than twelve inches in diameter, measured 54 inches above the ground. Any

such tree removed or damaged shall be replaced by a species compatible with existing trees, on a one-to-one basis. The number of replacement trees will be limited by what can be reasonably accommodated within the available lot area.

(c) Flood plain lands, other than areas that have already experienced substantial development.

(d) Slopes in excess of 15% as measured over a 10-foot interval. Development on slopes over 15% may be permitted only if an erosion and slope stabilization plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The City may, at its discretion, require the review and certification of such a plan by a licensed Professional Engineer.

(e) Habitats of endangered species. Development shall avoid fill or disturbance of habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior, and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Seward Comprehensive Development Plan.

e. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimizing of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.
5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimizing of cul-de-sacs over 600 feet.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Seward, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
8. Dedication of arterial, collector, and key local streets on the general alignments specified in the Comprehensive Development Plan.

d. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

## ARTICLE 40

### CIRCULATION SYSTEM DESIGN

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#### 11.4001 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Seward and its planning jurisdiction.

#### 11.4002 General Standards

The design of circulation systems should conform to the following general standards and requirements:

##### a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape, and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Development Plan. For streets not shown on the Comprehensive Development Plan, the arrangement of streets shall provide for the logical extension of existing streets.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later developments. Such extensions shall make provision when necessary with a temporary turnaround with a radius of at least 50 feet.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.
5. The system should provide good internal street network connectivity. Internal connectivity shall be measured by a Connectivity Index, calculated as:

$$CI = L/N$$

where N = the number of nodes (including intersections and cul-de-sac heads) in a subdivision and L = the number of street links defined by those nodes. A desirable target for street connectivity is an index of over 1.20.

##### b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features, create visual interest, or maintain greenways and pedestrian ways proposed in the Seward Comprehensive Development Plan.
3. In innovative developments, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Development Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

#### **11.4003 Street Hierarchy and Design**

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function.
2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates prepared by the Institute of Transportation Engineers or other generally accepted standards.
3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
4. The applicant shall demonstrate to the satisfaction of the approving agencies that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 11.4001.

b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 11.4002.

c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 11.4003.
2. Requirements for curbs vary according to street function and the nature of adjacent development. Adjacent development is defined as urban or rural as follows:
  - (a) Rural: Residential or predominately agricultural land use where average lot frontage exceeds 150 feet and subdivisions are not provided with urban services, including municipal water and/or sanitary sewer. Rural subdivisions are typically located within an RR district.
  - (b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet and subdivisions are provided with municipal water or sanitary sewer service; or adjacent land uses include commercial, office, industrial, or civic use types.
3. Where curbing is not required, edge definition and stabilization shall be provided.
4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.
5. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.
6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
7. Curb construction shall follow standards established by the City of Seward.

d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 11.4003.
2. Where sidewalks are not otherwise required by Table 11.4003, the City Council may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
3. In conventional development, sidewalks shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in conservation or traditional neighborhood development (TND) subdivisions.

4. In commercial areas, sidewalks may abut curb provided they are a minimum of five feet wide. In industrial areas, sidewalks are not mandatory but may be ordered in by the City Council.

5. Pedestrian rights-of-way at least 15 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving agencies to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Seward and its jurisdiction. Such rights-of-way shall be dedicated to the public in the same manner as streets.

6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.

7. All sidewalks shall be constructed according to current standards in use by the City of Seward. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick and no less than a minimum of six sack mix.

8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trails

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.

2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Seward. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances. Minimum dedicated trail right-of-way shall be 20 feet unless varied by the City Council.

3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

f. Alleys

It is the general policy of the City of Seward to discourage the use of alleys outside of Planned Unit Developments or Traditional Neighborhood Developments. When permitted in such projects, alleys shall be paved and shall have a width of not less than 14 feet. Alleys shall not be used for parking.

g. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.

2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 11.4003.
4. Dedications: Dedications of right-of-way for collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

h. Street Design Standards

1. Pavement

- (a) All streets shall be paved to current standards utilized in the City of Seward except:

(1) Local streets in rural subdivisions. Rural subdivisions may utilize a gravel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface. This permission is subject to submission of a petition by the platting owners binding themselves and all succeeding property owners to agree that all paving would be completed by a special assessment project if the subdivision were annexed by the city. Such petition shall waive any required resolution of necessity, any applicable limitations of the amount that could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects. When hard-surfaced, local streets in rural subdivisions may utilize 45-inch P.C.C.P. non-reinforced paving or 5 inch hot mix asphaltic paving.

(2) Courts or lanes, which may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership. The subdivision agreement and plat should clearly indicate that such streets are private and are not subject to city maintenance or acquisition.

- (b) Street pavement thickness shall relate to the role of the street in the hierarchy, subgrade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Cul-de-sacs

- (a) Cul-de-sac streets designed to have one end permanently closed generally should not exceed 600 feet in length and shall be designed so that vision from entrance to end is not restricted. A longer length is permissible within conservation developments or in the case of unconventional developments, such as golf course subdivisions.

(b) The closed end of a cul-de-sac within a conventional subdivision shall have a turnaround with a street property line diameter of at least 100 feet in residential subdivisions. This diameter may be increased by the Planning Commission if deemed necessary in the case of a commercial or industrial subdivision. In very low density settings, the Planning Commission may allow the use of hammerhead designs or other non-standard designs.

#### 4. Street Grades

Maximum permitted street grades are set forth in Table 11.4002. In typical circumstances, the minimum permitted street gradient shall be 1.0%. In exceptional circumstances, the Public Works Superintendent may permit street gradients of less than 1.0%; however, under no circumstances may the gradient be less than 0.4%.

#### 5. Street Intersections

(a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints.

(b) In most cases, no more than two streets should intersect at a single intersection. Exceptions may be made within TND or Planned Unit Developments.

(c) Local streets shall minimize intersections with major arterials.

(d) New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 150 feet between centerlines. The use of T-intersections is encouraged on local streets within the interior of a subdivision.

(e) Intersection design standards are set forth in Table 11.4002.

#### 6. Block Size

(a) The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within urban subdivisions shall not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints. Blocks within rural subdivisions shall not exceed 1,320 feet

7. Specific design standards established by the City of Seward's Subdivision Design Manual.

8. Other design standards shall be as set forth in Table 11.4004.

### **11.4004 Lighting and Wiring**

#### a. Underground Wiring

1. All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of

the approving authorities, such location is not feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

**Table 11.4001:  
Street Hierarchy**

<i>Residential Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Lane or Court	Street providing private access to no more than twelve housing units. Private streets are permitted only in Planned Developments.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid.	1,000-2,500
Frontage Road	A street that generally runs parallel to a controlled access arterial and provides access to individual properties along its length.	1,000-2,500
Minor Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Seward, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	2,500-7,500
Major Arterials	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	7,500+

**Table 11.4002:  
Cartway Width, Grade, and Intersection  
Standards**

<i>Residential Street Type</i>	<i>Moving Lanes</i>	<i>Maximum Grade</i>	<i>Cartway Width</i>	<i>Minimum Curb Radii</i>
<b>Lane or Court (Private)</b>	Two 11-foot	10% (5%*)	25 feet	20 feet (Note 1)
<b>Cul-de-sac</b>	Two 11-foot	10% (5%*)	28 feet	25 feet (Note 1)
<b>Urban Local</b>	Two 11-foot	10% (5%*)	28 feet	25 feet (Note 1)
<b>TND or PUD Local</b>	Two 10-foot	10%	25 feet	25 feet (Note 1)
<b>Rural Local</b>	Two 12-foot	10%	28 feet	25 feet (Note 1)
<b>Collector</b>	Two 12-foot	8% (5%*)	36 feet	35 feet (Note 1)
<b>Frontage</b>	Two 12-foot	8% (5%*)	30 feet	25 feet (Note 1)
<b>Arterials</b>	Note 2	6%	Note 2	Note 2

\* Denotes Maximum Street Grade Within 50 Feet of an Intersection

**Note 1:** Intersections shall be rounded at the curb line, with the street having the highest radius requirement as shown in Table 11.4002, determining the minimum standard for all curb lines.

**Note 2:** Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

**Table 11.4003:  
Cartway Width, Sidewalk, and Right-of-Way  
Standards**

<i>Street Type</i>	<i>Cartway Width</i>	<i>Curb/ Shoulder</i>	<i>Sidewalk (Note 2)</i>	<i>Total ROW</i>
<b>Private Lane or Court</b>	25 feet	Not Required	Required	50 feet
<b>Cul-de-sac</b>	28 feet	Required	Required	60 feet at approach 100 feet diameter
<b>Rural Local</b>	28 feet	Not Required	Not Required	66 feet
<b>Urban Local</b>	28 feet	Curb	Both sides	60 feet
<b>TND or PD</b>	25 feet	Curb	Both sides	60 feet
<b>Community Boulevard (divided)</b>	18 feet, 18 foot median	Project specific	Both sides	85 feet
<b>Community Boulevard (undivided)</b>	36 feet	Project specific	Both sides	66 feet
<b>Collector</b>				
<b>Rural Collector</b>	25 feet	Not Required	Not Required	66 feet
<b>Urban Collector</b>	36 feet	Curb	Both Sides	70 feet*
<b>Frontage</b>	30 feet	Curb	One side	40 feet
<b>Urban and Rural Arterials</b>	36-48 feet (Note 1)	Note 1	Note 1	66-80 feet minimum

\* Right-of-way widths for these classes of street may be modified within Traditional Neighborhood Developments, Planned Developments, or Conservation Subdivisions.

**Notes to Table 11.4003.**

**Note 1:** Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

**Note 2:** The edge of the sidewalk closest to the street is normally located eight feet in from the curb line. Sidewalks may meander and diverge from this distance but should at no point be located closer than 4 feet from the inside of the curb or edge of pavement.

**Note 3:** Required sidewalks in Industrial zoning districts are not mandatory but the City Council may order in sidewalks in any zoning districts.

**Table 11.4004:  
Street Design Requirements**

<i>Street Type</i>	<i>Minimum radius of horizontal curves</i>	<i>Minimum sight distance on vertical curves</i>	<i>Maximum Slope</i>	<i>PCC Pavement Thickness</i>
<b>Lane or Court</b>	150 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
<b>Local</b>				
Urban	200 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
Rural	200 feet	150 feet	10%	6 inches or gravel
TND/PUD	150 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
<b>Collector</b>	300 feet	250 feet	8%	8 inches
<b>Frontage</b>	300 feet	250 feet	8%	8 inches
<b>Arterials</b>	400 feet	350 feet	8%	8 inches or determined by road design

## ARTICLE 41

### PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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#### 11.4101 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Seward and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, wastewater management, and storm water drainage utilities; and park and open space resources.

#### 11.4102 Water

##### a. Connection

1. All installations shall be properly connected to an approved and functioning community water system, constructed in conformance with the applicable design standards of the city.
2. All residential subdivisions inside of the corporate limits of Seward shall be connected to an existing public water supply system if such a system is available within 300 feet of the subdivision.
3. Developments with more than 15 units and located within 0.5 mile of an existing public water system must provide adequate justification as to why they are unable to connect to such a system. For developments with more than 15 units and located more than 0.5 mile from a public water supply, the water supply strategy shall be considered by the approving authorities on a case-by-case basis.
4. In a pre-existing subdivision that is served by well and/or septic systems that would otherwise require connection under the provisions of this section, the Board of Adjustment may grant permission to build on previously undeveloped lots of record, subject to compliance with Title 124, satisfactory percolation tests reviewed by the Public Works Superintendent, and other applicable requirements.
5. All proposals for new water supplies, extensions, or main installation shall be approved by the City of Seward.

##### b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.

3. Fire protection shall be furnished for any development connected to the municipal water system. Computation of minimum fire flows shall be based on calculations of the American Insurance Association and National Board of Fire Underwriters.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage as approved by the Public Works Superintendent and Fire Chief. All mains serving hydrants shall be at least eight inches in diameter, should be looping mains, and should have appropriate state approvals. All fire hydrant leads shall be a minimum of six inches in diameter.
5. Installation of water systems shall conform to current design standards in use within the City of Seward, as set forth by the Subdivision Design Manual.
6. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans. The subdivision's engineer shall furnish five sets of as-built drawings and one electronic file compatible with the current version of AutoCad.
7. All state requirements shall be met and approvals from the Department of Health and Human Services Regulations and Licensure Division shall be obtained for all water systems.

c. Private or Community Well Systems

If the development does not meet the required criteria for connection to a public water system or for reasons of topography, economic feasibility, or other special condition proposes water service by a community and/or private well, the developer shall request a variance according the following provisions:

1. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing city water service to the subdivision versus the cost of the proposed well system.
2. If a well system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the Public Works Superintendent and the Nebraska Department of Health and Human Services Regulations and Licensure Division. Both agencies shall approve its construction before the City issues Certificates of Occupancy for any buildings in the subdivision.
3. If a public water supply system is proposed to be provided to an area within a ten-year period from the time of platting, as indicated in an officially adopted document of the City or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and connection of the subdivision to a future public water supply.
4. City approval to install a community and/or private well system shall be allowed subject to the following additional provisions:

(a) The system, including all distribution lines, hydrants, valves, and appurtenances, shall conform to current design standards in use within the City of Seward and shall remain the property of the Developer and/or Homeowners' Association.

(b) The developer and all successive lot owners shall agree to connect to the City water system if installed to the subdivision. Such connection shall not be required for ten years after the date of construction of the initial well system.

(c) With connection to the City water system, all existing lot owners shall be required to disconnect from and abandon the pre-existing well system in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City water system.

### **11.4103 Sanitary Sewers**

#### **a. Connection**

1. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.

2. All residential subdivisions inside of the corporate limits of Seward shall be connected to an existing public sanitary sewer system if such a system is available within 300 feet of the subdivision.

Developments with more than 15 units and located within 0.5 mile of an existing public sanitary sewer system must provide adequate justification as to why they are unable to connect to such a system. For developments with more than 15 units and located more than 0.5 mile from a public sanitary sewer system, the waste disposal strategy shall be considered by the approving authorities on a case-by-case basis.

In a pre-existing subdivision that is served by well and/or septic systems that would otherwise require connection under the provisions of this section, the Board of Adjustment may grant permission to build on previously undeveloped lots of record, subject to compliance with Title 124, satisfactory percolation tests reviewed by the Public Works Superintendent, and other applicable requirements.

3. If the City creates a benefit fund for the purpose of financing public extensions of sanitary interceptor sewers to newly developing areas, each subdivision to be benefited by such extensions shall contribute to such a fund. Subdivisions within the city limits of Seward at the time of platting; or subdivisions currently served by existing sanitary sewer service shall be exempt from this requirement. Contributions to the fund shall be computed on the basis of proportionate costs and benefits of necessary extensions. Assessments shall be made on a per lot basis for single-family development; a per-unit basis for multi-family residential development; and a site area basis for non-residential development.

4. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.

5. All state requirements shall be met and approvals from the Department of Environmental Quality or other appropriate state agencies shall be obtained for all wastewater disposal systems.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision including peak flows.
2. Installation of sanitary sewer systems shall conform to current design standards in use within the City of Seward as set forth by the Subdivision Design Manual.
3. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans. The subdivision's engineer shall furnish five sets of as-built drawings and one electronic file compatible with the current version of AutoCad.

c. Private Wastewater Disposal Systems

If the development does not meet the required criteria for connection to a public sanitary sewer system and gravity sewer service connections, or if for reasons of topography, economic feasibility, or other special conditions, the developer proposes service by a private wastewater disposal system, the developer shall request a variance according the following provisions:

1. Subsurface or septic systems are not permissible on any lot created after the effective date of this Ordinance if the gross density of the subdivision is higher than one unit per 70,000 square feet; if individual lots are smaller than one acre; or in any urban subdivision.
2. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing city sewer service to the subdivision versus the cost of the proposed private disposal system.
3. The preliminary and final plat shall indicate the envelope for home sites on each lot. Percolation tests must be done on areas outside the envelopes of home sites. The preliminary plat application shall also show the location of wells and septic fields for each lot and/or for the subdivision as a whole, and shall submit percolation tests for each lot, taken at the proposed adsorption field sites to determine the size of the field required for each lot.
4. The City shall consider all these submittals in determining whether to permit installation of private wastewater disposal systems for the subdivision.

5. If a private wastewater disposal system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the Nebraska Department of Environmental Quality and the City of Seward's Subdivision Design Manual. The developer's Professional Engineer shall furnish the City with five certified copies of as-built plans and one electronic copy compatible with AutoCad showing service line locations and final sewer and maintenance access locations, lengths, elevations, and grades.

6. If a sanitary sewer system is to be provided to an area within a ten-year period, as indicated in an officially adopted document of the City the County, or other authorized

agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.

7. City approval to install a community and/or private wastewater disposal system shall be allowed subject to the following additional provisions:

(a) The system, including all sewer mains and appurtenances, shall conform to current design standards in use within the City of Seward and shall remain the property of the Developer and/or Homeowners' Association.

(b) The developer and all successive lot owners shall agree to connect to the City sanitary sewer system if installed to the corner of their lot. Such connection shall not be required for ten years after the date of construction of the initial wastewater system.

(c) With connection to the City sanitary sewer system, all existing lot owners shall be required to disconnect from and abandon the pre-existing well system in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City sewer system.

#### **11.4104 Storm Water Management**

##### **a. Design**

1. All subdivisions shall have a storm water management system that is adequate to prevent the undue or unplanned retention of storm water on the site. Undue retention does not include:

(a) Retention through planned facilities.

(b) Retention not substantially different from pre-existing conditions.

2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and the City of Seward Stormwater Design Standards.

3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainageways.

4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:

(a) There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.

(b) No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development run off shall not exceed the amount of pre-development runoff, and is to be managed in a manner consistent with Nebraska statutes and existing case law regarding such flows.

5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include retention basins, swales, porous paving, and terracing.

6. No surface water may be channeled into a sanitary sewer system.

7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.

8. All storm water design shall be reviewed and approved by the Public Works Superintendent. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans.

b. Erosion Control

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed Professional Engineer, for any land disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan.

c. Seeding

1. The area of the plat, with the exception of street right-of-way, on which existing vegetation has been destroyed as a result of grading shall be seeded with a seeding formula as approved by the City during the first growing season immediately following the completion of grading operations.

**11.4105 Parks and Public Facilities**

Purpose

In order to serve the educational and recreational needs of new residents within the subdivision and promote the public health, welfare, community character and property values, residential

subdividers are required to donate resources to make improvements to the City of Seward's parks system as a condition of subdivision approval.

#### **11.4106 Parks Reservations**

##### **a. General Requirements**

The amount of park facilities for new residents is partly based on data and policy in the adopted City of Seward Comprehensive Plan. The Plans reflect a local adaptation of standards of the National Recreation and Park Association (NRPA). The Comprehensive Plan is the result of a system-wide technical analysis and citizen participatory planning process, which identified near-term and long-range needs for the local parks system.

Given these findings, the City of Seward has determined the following:

1. **Neighborhood Park Dedication.** The City of Seward's standard for neighborhood park service is 2 acres per 1,000 people. Consistent with this standard and the comprehensive development plan, a subdivision shall dedicate up to 0.006 acres per single-family detached dwelling unit and .004 acres per unit for other types of housing for a neighborhood park. Alternately, the subdivider shall pay a fee equivalent to the cost of 0.006 acres per single-family detached dwelling unit and .004 acres per unit for other types of housing, to be used specifically by the City for the acquisition and development of park and recreational facilities which directly benefit the subdivision.
2. **Location.** Land donated for new parks shall be located based generally on the City's Comprehensive Development Plan and official map and shall specifically consider the design of each development and natural features present. The amount of land required shall not include wetlands, floodway, floodplain or storm water detention facilities.

##### **c. Park Donation Substitutes**

If park land would be more appropriately located off-site, the City Council may agree to accept cash in lieu of land from a residential subdivider. The amount of land required from a residential subdivider may be reduced depending on the amount of the improved land, up to two (2) acres established as a private park by the subdivider, provided that such land is determined to be of equivalent value and available by right to all residents of the development. The subdivider shall present evidence, through physical design and legal documentation that the private facility shall be equally available to all residents of the development.

##### **d. Criteria for Requiring a Contribution of Cash in Lieu of Park and Recreation Land**

1. **General Requirements.** Where the subdivision is small and the resulting site is too small to be practical or when the available land is inappropriate for parks and recreation land use, or when land for a park and recreation use cannot be made contiguous to land dedication for a school site, the City Council shall determine whether the subdivider shall be required to pay a cash contribution in lieu of the required land donation.
2. **Park Accounting Trust and Use of Fees**

(a) The cash contributions in lieu of land for parks and recreation use shall be held in trust by the City of Seward for expenditure by the City as determined by the City Council. Such cash contributions shall be used solely for the acquisition of land for parks and recreation that will be available to serve the immediate or future needs of the residents of the subdivision or development, or for the improvement of recreation facilities and other parks already existing which will benefit the subdivision.

#### **11.4107 Topography and Grading**

The slope, topography and geology of the dedicated site and its surroundings must be suitable for its intended purposes. A subdivider shall allow the City to have access to the proposed sites for the purpose of conducting soil boring tests.

#### **11.4108 Timing and Conveyance**

Unless otherwise determined through a Subdivision Agreement, a subdivider shall convey to the City (or such other governmental body, corporation or such owner as determined by the City) the land required under this Section at the time of final approval by the City Council of the subdivision or re-subdivision plat or final development plan, by the delivery of the following documents:

- a. A good and sufficient Trustee's or Warranty Deed conveying fee simple title free and clear of all liens and encumbrances (except liens or encumbrances dischargeable by cash accompanying said deed) except for current real estate taxes;
- b. A deposit of money equal to 100% of the most ascertainable taxes for the year, pro-rated to the date that the deed is delivered;
- c. A plat of survey containing thereon the legal description of the property to be conveyed and any other matters which may be required by the City Administrator, under as advised by the Zoning Administrator, City Attorney, and the consulting Public Works Superintendent.

#### **11.4109 Timing of Payment**

Cash contributions required under this Section shall be paid as follows:

##### **a. Fees Paid Prior to Final Plat**

Unless otherwise provided by the terms of a developer agreement entered into between the City and the subdivider, all fees required pursuant to this Section, including fees arising from the development of land located in the City's two-mile planning jurisdiction that may be subject of an intergovernmental agreement, shall be due and owing prior to the final plat approval by the City Council.

However, if the subdivider's lands are the subject of an annexation agreement, payment shall be made at the times and in the manner provided in said annexation agreement.

##### **b. Procedures for Fee Collection and Administration**

It shall be the duty of the City Clerk, or other official designated by the City Council to establish regulations and procedures for the collection and administration of the cash contributions required under this Section.

#### **11.4110 Development Agreements**

a. Development Agreements May Establish Time and Manner of Compliance

The City may enter into a Development Agreement with any subdivider that sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations. Such development agreements may be included as part of the Subdivision Agreement required for subdivisions subject to the provisions of Section 11.4204.

b. Prior Development Agreements

If any development agreement has previously been entered into between the City and a subdivider, and that Agreement remains in full force and effect, the provisions of that agreement shall control, and this Section shall have no force and effect, provided that the subdivider complies with the terms of such Agreement. However, if such subdivider is not complying with the terms of that Agreement then the provisions of this Section shall apply and the City shall utilize the criteria set forth herein to determine the appropriate exaction amount, less credits, if any.

Further, if the development contemplated by a subdivider has either increased in number of units or has otherwise increased the demand for park and recreation facilities, then the developer Agreement previously entered into between the subdivider and the City shall be amended and the subdivider shall provide additional land, or a pro-rata fee, based on the provisions of this Section, less credits, if any.

#### **11.4111 Easements**

a. Utility Easements

1. Urban Subdivisions: Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of utilities. Such easements shall be at least 15 feet in width, centered on the lot lines, and 10 feet in width along the rear property line where not adjacent to additional lots, and shall be provided along:

(a) All rear property lines.

(b) Side property lines where necessary to provide a continuous easement.

Easement requirements may be waived with proof that such easements are not required by utility service providers.

2. Easements of greater width may be required along lot lines or across lots. Easements of lesser width may be approved if accepted by utility providers. Easements shall connect with easements on adjoining properties.

3. Easements shall be approved in writing by any appropriate public or private utility provider intending to use such easement for their facilities. Such approval shall be submitted prior to final plat approval.
4. Rural Subdivisions: Easements for utilities shall be placed within street rights-of-way, without requirements for additional utility easements.

b. Drainage Easements

Where a subdivision is crossed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall correspond generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. Easements shall extend not less than 20 feet on each side from the centerline of the waterway. The total width of any easement shall be sufficient to cover the 100-year flood plain calculated for a fully developed upstream drainage basin. Parallel streets or parkways may be utilized to preserve such drainageways.

c. Setback Requirements for Structures Adjacent to Creeks and Drainageways

1. In addition to other applicable provisions of city ordinances, no persons shall be granted a permit for the construction of any structure, exclusive of fences, bank stabilization structures, poles signs, and non-related parking areas adjacent to any creek or stream unless such structure is located so that no portion whereof is any closer to the stream than will allow a maximum 3:1 slope between the water's edge (during normal flow conditions) of the stream and the closest point of the structure at-grade.
2. An exemption from the provisions of Sub-section (1) above may be granted if all of the following conditions are met and required certification is filed with the City of Seward:
  - (a) Certification by a registered professional engineer or architect that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate lateral support so that no portion of the structure adjacent to the stream will be endangered by erosion or lack of lateral support.
  - (b) Certification shall be affixed to an accurate set of "as-built" construction plans for the structure, as well as "as-built" plans of depicting any bank stabilization or slope protection measures or structures.
  - (c) In the event that the structure is adjacent to any stream that has been channelized or otherwise improved by any agency of government, then such certification providing this exemption must take the form of a certification as to the adequacy and protection of the improvements installed by such governmental unit.

d. Other Easements

The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the City or appropriate public agency.

**11.4113 Dedications**

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands shall be completed as required by this Ordinance.

## **ARTICLE 42**

### **IMPROVEMENT FINANCING AND GUARANTEES**

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#### **11.4201 Purpose**

The purpose of this Article is to ensure the equitable financing and proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

#### **11.4202 Application**

This Section applies to subdivisions that require the installation of streets, utilities, or other public improvements by the City or developer.

#### **11.4203 Responsibility of Subdivider**

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

#### **11.4204 Subdivision Agreement**

##### **a. Condition for Approval of Plat**

As a condition for final approval, each subdivision plat must include a subdivision agreement entered into between the City of Seward and the subdivider. Additionally, no contract for the construction of public improvements involving a subdivision within the extraterritorial jurisdiction but outside the corporate limits of Seward shall be awarded without the approval of such an agreement.

##### **b. Components of the Agreement**

The agreement shall include provisions for the financing and distribution of responsibilities among the City and the subdivider for land acquisition, design, and installation of public improvements. The agreement shall also state specifically how public services will be provided in the subdivision prior to annexation by the City.

##### **c. Rules for Distributing Improvement Costs**

Generally, the following rules shall be followed in distributing costs for public improvements:

###### **1. Public Costs**

Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:

- (a) Pavement width in excess of 28 feet for streets designated as collector or arterial streets in the Seward Comprehensive Development Plan or any subsequent amendment thereof. On collector and arterial streets requiring a higher standard of paving than normal, the additional cost shall be borne by the City or other public agency.
- (b) The incremental cost of water mains over eight inches.
- (c) Oversized storm sewers or drainage structures required to serve other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
- (d) Sanitary outfall sewers or water lines outside of the limits of a subdivision that serve areas larger than that of the subdivision, provided that such extension is consistent with the sequencing of development specified in the Comprehensive Development Plan.
- (e) The additional costs of sanitary sewers over 8 inches in diameter, when such sewers are required by the City.
- (f) Park and recreation facilities consistent with the Comprehensive Development Plan.
- (g) Those costs required to be paid by the City for extension of water and sewer lines, pursuant to the Seward Municipal Code.

## 2. Private Costs

Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:

- (a) The entire cost of grading street rights-of-way, including intersections.
- (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to eight inches.
- (c) All paving and street construction, including curbs and gutters, up to a cartway width of 28 feet.
- (d) A stormwater management system adequate to provide for the collection, retention, and removal of surface runoff, extending to the boundaries of the subdivision
- (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
- (f) The private share of trails or bicycle paths included in the city's system, as identified by the Comprehensive Development Plan; or trails or bicycle paths whose primary benefit is to residents of the subdivision.

(g) The contract charge for underground electrical and gas service.

(h) An iron rod not less than five-eighths (5/8) inch in diameter and 24 inches in length as follows:

(1) Set three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.

(2) At lot corners and changes in direction of block and lot boundaries.

(h) Those costs required to be paid by the developer for extension of water and sewer lines, pursuant to the Seward Municipal Code.

3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount, which could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

#### **11.4205 Subdivisions Contiguous with City**

Unless otherwise provided as a specific part of the subdivision approval by the city, all subdivisions now or hereafter laid out adjoining or contiguous to the corporate limits of the city shall be included within such corporate limits and become a part of the City of Seward. The residents of the subdivision shall be entitled to all the rights and privileges and subject to all laws, ordinances, rules, and regulations of the City of Seward.

#### **11.4206 Performance Guarantees**

a. As a condition of the final approval of the plat and prior to its recording with the Seward County Register of Deeds, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 100% of the estimated cost of the improvement installation.

2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.

3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the City and the Developer and approved with the Final Plat.

#### **11.4207 Notification of Completion and Acceptance by City**

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Public Works Superintendent in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The Public Works Superintendent shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Zoning Administrator certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the Public Works Superintendent shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. No residential occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the Public Works Superintendent.