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SUBDIVISION REGULATIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

These regulations shall be known as the Subdivision Chapter of the Land Development Regulations of the City of Chadron.

1-2 Authority and Purpose

a. Authority

These regulations are adopted pursuant to the authority granted the City of Chadron under Chapter 19, Article 9, Sections 19-901 through 19-929 and Chapter 16, Article 9, Sections 16-901 through 16-904, Revised Statutes of Nebraska, 1943, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Chadron and its surrounding jurisdiction.
2. 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.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Chadron or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Chadron by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Chadron with the ability to grow incrementally through the eventual annexation of new developments.

1-3 Relationship to the Comprehensive Development Plan

a. The City of Chadron intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should these regulations become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the City's intent to amend these regulations to bring it into conformance with the plan.

b. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Development Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Chadron's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City

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of Chadron and its two-mile extraterritorial jurisdiction as provided by Section 14, Revised Statutes of Nebraska, 1943.

b. No owner of real property within the City of Chadron 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 these regulations. 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 these regulations.

1-5 Amendment

When necessary, these regulations may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

1-6 Fees

The City Council of the City of Chadron shall establish fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within these regulations.

1-7 Enforcement

The Zoning Administrator shall enforce the provisions of these regulations and shall bring violations or lack of compliance to the attention of the Planning Commission and City Council, or other appropriate agency.

1-8 Penalties

a. Violation and Penalty

1. Any person, firm, or corporation violating any provision of the Subdivision Regulations of the City of Chadron, Nebraska, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, and any actual costs or expense incurred by the City as a result of said offense shall be taxed as costs as a part of the judgement of conviction.
2. An owner, developer, or subdivider of property may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Zoning Administrator shall have the right to take any lawful action necessary to prevent or remedy any violation of these regulations or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

a. The Subdivision Chapter of the Land Development Regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Chapter conflicts with any other provision of the Land Development Regulations, any other Ordinance of the City of Chadron, 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.

c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these

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regulations or any other section of the City of Chadron's Land Development Regulations.

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2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Regulations. The meaning and construction of words as set forth shall apply throughout the Subdivision Regulations, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of these Subdivision Regulations , certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A

1. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
2. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
3. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to these regulations.
4. Approving Authority: The City Council of the City of Chadron or its designee.
5. ASCE: The American Society of Civil Engineers.

2-4 B

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.
3. Building Official: The designee of the City of Chadron who is responsible for the supervision and administration of the Uniform Building Code or any other locally adopted building code.

2-5 C

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from curblines to curblines. On streets without curbs, the cartway is measured from the edge of pavement to the opposite edge of pavement.
2. Centerline Offset: The distance between the centerline of roads intersecting a common road from the same or opposite sides.

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3. Channel: The bed or banks of a natural stream or drainageway which convey the constant or intermittent flow of water, including storm run-off.
4. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
5. Comprehensive Plan: The Comprehensive Development Plan of the City of Chadron.
6. Concept Plan: A preliminary presentation which includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
7. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
12. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

2-6 D

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design standards: Standards that set forth specific improvement requirements.
3. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal owner(s) or authorized agent of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.
7. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
8. Drainage system: The system through which water flows from the land.

2-7 E

1. Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Dawes County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of these regulations.
2. Frontage: The length of a property line of any one premises abutting and parallel to a public street,

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private way, or court.

2-9 **G**

1. **Grade:** The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

2-10 **H**

2-11 **I**

2-12 **J**

2-13 **K**

2-14 **L**

1. **Lot:** A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Dawes County Register of Deeds. Each individual lot is subject to the provisions of a particular Base Zoning District, and shall have a minimum frontage of 60 feet, except as provided in an approved Planned Unit Development. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these Zoning Regulations.

(a) **Corner Lot:** A lot located at the junction of at least two streets, private ways or courts or of at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

(b) **Double Frontage Lot:** A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front lot line as determined at time of platting or as defined by these regulations. (Also known as a Through Lot)

(c) **Interior Lot:** A lot other than a corner lot.

(d) **Common Development Lot:** When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of these regulations.

2. **Lot Area:** The total horizontal area within the lot lines of a lot.

3. **Lot Depth:** The mean horizontal distance measured between the front and rear lot lines.

4. **Lot Line:** A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street rights-of-way or easement.

(a) **Front Lot Line:** The lot line separating a lot and a public or private street right-of-way or easement.

1) For an interior lot, the lot line separating the lot from the right-of-way or easement.

2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Administrator, or as may be noted on a final plat.

3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification,

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the front lot line shall be determined by the Zoning Administrator, or as may be noted on a final plat.

(b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

5. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

2-15 M

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.

2. Major subdivision: Any subdivision not defined and approved as a minor subdivision.

3. Minor subdivision: A subdivision of land which creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following.

4. Moving lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

2-16 N

2-17 O

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.

2. Open space: Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

2-18 P

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.

3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Dawes County Register of Deeds.

(b) Final Plat: The final map of the subdivision which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the Register of Deeds.

2-19 R

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system

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that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

2. Rural Subdivisions: A residential subdivision located more than one-half mile past the corporate limits but within the two mile planning jurisdiction of the City; or outside of areas designated for future urban development by the Comprehensive Plan.

2-20 S

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

(a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.

(b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.

(c) Lateral or local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.

2. Septic system: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.

3. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.

6. Street hierarchy: The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:

- (a) Court or lane
- (b) Local
- (c) Collector
- (d) Minor Arterial
- (e) Major Arterial

7. Subdivision: The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to ten acres or less.

2-21 T

2-22 U

1. Urban Subdivision: A residential subdivision located within the corporate limits of the City of Chadron or less than 1/2 mile of such corporate limits; or within an area designated for future urban development by the Comprehensive Plan.

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2-23 V

2-24 W

2-25 X

2-26 Y, Z

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3

ARTICLE THREE

PROCEDURES AND ADMINISTRATION

3-1 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 Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

3-2 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used to adjust an interior lot line or 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 nonconforming lot or a violation of any section of the Chadron Municipal Code.
 - (b) The lots involved must be existing platted lots.
 - (c) The adjustment involves only a minor change in lot line location, and represents a change of less than 20% of the dimension of the lot.
 - (d) The adjustment alters lot lines of no more than four lots without creating additional 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 zoning regulations.
 - (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 into a lesser number of lots.
3. A lot is limited to only one instance 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

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the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning regulations.

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 established by the Planning Commission and including the supporting documents required for Administrative Subdivisions in Table 3- 1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor.
2. Following submission, the Zoning Administrator and City Engineer shall review each application according to the following criteria:
 - (a) Compliance with the conditions contained in Section 3-2(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Chadron.
 - (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 which must be filed along with the plat with the Dawes 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 subdivider must file the plat and certificate of approval with the Dawes County Register of Deeds. If the approved plat is not filed within 90 days of approval by the Zoning Administrator, such approval shall be null and void.
6. The Zoning Administrator shall keep a complete and accurate record of all administrative subdivision approvals.

3-3 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 more than four 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 zoning ordinance.

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4. No part of the parcel has been the subject of a previous Minor Subdivision or Minor Subdivision approval.

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 Zoning Administrator and including the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor.
2. Following submission, the Zoning Administrator and City Engineer shall review each application according to the following criteria:
 - (a) Compliance with the conditions contained in Section 3-3(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Chadron.
 - (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 Dawes 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 subdivider must file the plat and certificate of approval with the Dawes County Register of Deeds. If the approved plat is not filed within 90 days of approval by the Planning Commission, such approval shall be null and void.
7. The Zoning Administrator shall keep a complete and accurate record of all Minor Subdivision approvals.

3-4 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

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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 or his/her designee, 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 Regulations.
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 5 copies of a proposed preliminary plat, drawn to the scale of 1 inch equals 100 feet or larger. The minimum size of the plat drawing shall be 18 inches by 24 inches. In addition, one copy of the plat shall be submitted reduced to 8.5 by 11 inch format. The application for preliminary plat approval shall be submitted to the City Clerk at least 14 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 3-1; and payment of a fee, the amount of which shall be determined by the City Council.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision agreement, following a format established by the Planning Commission. 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.

3. Preliminary Plat Approval Procedure

(a) After submission of a complete application for a preliminary plat, the Zoning Administrator and his/her staff shall review the application. As part of the review, the Zoning Administrator will circulate the application to the City Engineer, 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 period which he/she establishes.

(b) Following the comment period, the Zoning Administrator shall submit a written

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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, the Chairman of the Commission shall transmit a written recommendation summarizing the Commission's action 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.

3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 10 lots or 20% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been granted by the City Council. The applicant shall prepare and file 5 copies of a proposed final plat, drawn to the scale of 1 inch equals 100 feet or larger. The minimum size of the plat drawing shall be 18 inches by 24 inches. In addition, one copy of the plat shall be submitted reduced to 8.5 by 11 inches format. The application for final plat approval shall be submitted to the City Clerk at least 14 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 Final Plat Approval of Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council.

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

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the Final Plat.

3. 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 Regulations and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the regulations 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 Subdivision Chapter, 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, following proper notice, shall hold a public hearing on each final plat and subdivision agreement and, following such public hearing shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

(d) 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.

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 Chadron 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 a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the Register of Deeds of Dawes County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.

3. The subdivider must file the 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.

g. Plats Outside of Corporate Limits

1. Authority Within Two Miles of City Limits

Pursuant to the authority contained in Section 14 of the Nebraska Revised Statutes, 1943, the subdivision provisions of the Land Development Regulations, and the provisions of the

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Municipal Code of the City shall govern all territory outside the corporate limits of the City but within two miles of such corporate limits, except to the extent that ordinances or resolutions of the City Council shall limit their application to an area less than two miles of such corporate limits.

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TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
PLAT INFORMATION				
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	X
Title block, denoting type of application, tax map sheet, 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 660 feet of the subdivision boundary.			X	X
Present and proposed zoning.			X	X
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.	X	X	X	X
Signature blocks for Planning Commission Chairman, Administrative Official, and Mayor.	X	X	X	X
Appropriate certification blocks.	X	X	X	X
Monumentation.	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
Acreage of tract.	X	X	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.	X	X	X	X

TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
PLAT INFORMATION (cont.)				

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Copy of any existing or proposed deed restriction or covenants.		X	Concept Plan	
Existing and proposed easements or land reserved for or dedicated to public use.	X	X	X	X
Payment of application fees.	X	X	X	X
ENVIRONMENTAL INFORMATION				
Property lines within 300 feet.		X	X	
All existing water courses, flood-plains, wetlands, habitat areas or other environmentally sensitive features within 300 feet.	X	X	X	
Survey of trees and wooded areas, (noting size and location of trees) and mature or environmentally sensitive vegetation.		X	X	
Existing ROW's and easements within 300 feet.	X	X	X	X
Topography at one foot contours.		X	X	
Existing site drainage system.	X	X	X	
Drainage calculations and percolation tests.			X	
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			General	Detailed
Sediment/Soil Erosion Control Plan.			X	
Spot and finished elevations at all property corners.			X	
Construction details as required.				
Road and paving cross-sections.			X	
Proposed street names.			X	X
New block and lot numbers.	X	X	X	X

TABLE 3-1: Application Requirements

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Lighting plan and details.			Concept Plan	
Pedestrian circulation patterns and sidewalk or trail locations.			X	

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Certifications and seals from licensed Land Surveyor.		X		X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources).			X	
Draft subdivision agreement.			X	
Final subdivision agreement.			X	

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ARTICLE FOUR

SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

4-1 Purpose

The purpose of this Article is to provide flexible design alternatives in order to assure that subdivisions in the Chadron area create functional and attractive environments, minimize adverse effects, and become assets to the city's urban and natural setting. The Article defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Chadron and jurisdiction.

4-2 Site Design and Constraints

a. Consideration of Plans

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

b. Grading Permit Required

1. A Grading Permit 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 Zoning Administrator 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 and his/her staff 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 Plan and Land Development Regulations. 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. 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:

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(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) 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.

(c) 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 Chadron Comprehensive Development Plan.

d. 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 minimization 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 minimization of cul-de-sacs over 300 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 Chadron, 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.

e. 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.

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ARTICLE FIVE

CIRCULATION SYSTEM DESIGN

5-1 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 Chadron and its planning jurisdiction.

5-2 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.

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 Chadron Comprehensive Development Plan.
3. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
4. 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.

5-3 Street Hierarchy and Design

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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 5- 1.

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 5-2.

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 5-3.
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.
 - (b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet; 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 Chadron.

d. Sidewalks

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1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
 2. Where sidewalks are not otherwise required by Table 5-3, the City 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 creative subdivisions.
 4. In commercial areas, sidewalks may abut curb.
 5. Pedestrian rights-of-way at least 10 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities 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 Chadron 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 free of any obstructions of at least five feet if developed adjacent to curb and four feet in width if set back from curb.
 7. All sidewalks shall be constructed according to current standards in use by the City of Chadron. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick. Sidewalks shall be reinforced with a wire mesh or equivalent.
 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 paved off-street recreational trails shall be a minimum of eight 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 Chadron. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
 3. Recreational trails may satisfy part of the requirements of these regulations for sidewalks or open space.
 4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
- f. 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

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5-3.

4. Dedications: Dedications of right-of-way for collector, subcollector, community, or arterial streets shall be made consistent with the comprehensive development plan.

g. Street Design Standards

1. Pavement

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

1) Local streets in rural subdivisions. Rural subdivisions may utilize 6-inch P.C.C.P. non-reinforced paving. Alternatively, streets 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 which could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

2) Courts or lanes, which may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(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 shall not exceed 300 feet in length and shall be designed so that vision from entrance to end is not restricted.

(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 130 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.

4. Street Grades

Maximum permitted street grades are set forth in Table 5-2. In typical circumstances, the minimum permitted street gradient shall be 1.0%. In exceptional circumstances, the City Engineer 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.

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- (c) Local streets shall not provide 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 5-2.
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. Other design standards shall be as set forth in Table 5-4.

5-4 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.
 - 3. Year-round screening of any above ground utility apparatus is required. Screening shall be consistent with the Landscape and Screening Standards set forth in Article Eight of the Zoning Chapter of the Land Development Regulations.

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TABLE 5-1: Street Hierarchy

<i>Residential Street Type</i>	<i>Function</i>
Private Lane or Court	Street providing private or controlled access to a limited number of residential units.
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 may include cul-de-sacs and sometimes do not interconnect with adjoining neighborhoods or subdivisions.
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.
Minor Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Chadron, 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.
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.

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TABLE 5-2: Cartway Width, Grade, and Intersection Standards

<i>Residential Street Type</i>	<i>Moving Lanes</i>	<i>Parking Restrictions</i>	<i>Maximum Grade</i>	<i>Cartway Width</i> (Note 1)	<i>Minimum Curb Radii</i> (Note 2)
Cul-de-sac	Two 11-foot	Note 1	8% (5%)*	22 feet	30 feet
Urban Local	Two 11-foot	Note 1	8% (5%)*	22 feet	25 feet
Rural Local	Two 11-foot	Note 1	8%	22 feet	25 feet
Collector					
No parking	Two 12-foot	No parking	All Types:	28 feet	All Types:
One-side parking	Two 12-foot	One side only	8% (5%)	32 feet	35 feet
Two-side parking	Two 12-foot	No restriction		40 feet	40 feet
Arterials	Note 2	Note 2	6%	Note 3	Note 3

* Denotes Maximum Street Grade Within 50 Feet of an Intersection

Note 1: If parking is proposed on street, increase the total width eight feet for parallel parking on each side.

Note 2: Intersections shall be rounded at the curb line, with the street having the highest radius requirement as shown in Table 5-2 determining the minimum standard for all curb lines.

Note 3: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

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TABLE 5-3: Curb, Sidewalk, And Right-Of-Way Requirements

<i>Street Type</i>	<i>Cartway Width</i>	<i>Curb/ Shoulder</i>	<i>Sidewalk</i>	<i>Minimum Sidewalk Setback (Note 1)</i>	<i>Total ROW</i>
Cul-de-sac	22 feet	Required	Required	6 feet	60 feet at approach 100 feet diameter
Local					
Rural	28 feet	Not Required	Not Required	NA	80 feet
Urban	28 feet	Curb	Both sides	6 feet	80 feet
Collector					
Rural	28 feet	Not Required	Not Required	NA	80 feet
Urban					
No parking	28 feet	Curb	Both Sides	8 feet	80 feet
One-side parking	32 feet	Curb	Both Sides	8 feet	80 feet
Two-side parking	36 feet	Curb	Both Sides	8 feet	80 feet
Arterials					
Urban and Rural	Note 2	Note 2	Note 2	8 feet	100 feet minimum

Note 1: The lesser of the indicated dimension or placement of the inside edge of the sidewalk two feet from the property line of the adjacent property.

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

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TABLE 5-4 : Required Curve Radii

<i>Street Type</i>	<i>Minimum radius of horizontal curbs</i>	<i>Minimum sight distance on vertical curbs</i>
Lane or Court	70 feet	NA
Local	135 feet	200 feet
Collector	250 feet	300 feet
Arterials	500 feet	350 feet

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6 ARTICLE SIX

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

6-1 Purpose

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

6-2 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. Depending on the number of units, residential subdivisions shall be connected to an existing public water supply system if such a system is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 units	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet
15 units and over	0.5 mile

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.

3. All proposals for new water supplies, extensions, or main installation shall be approved by the City of Chadron.

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.

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4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage as approved by the City Engineer and Fire Chief. All lines serving hydrants shall be at least six inches in diameter, should be circulating lines, and should carry appropriate state approvals.
5. Installation of water systems shall conform to community design standards in use within the City of Chadron.
6. A certification from a registered Professional Engineer shall be filed with the City of Chadron 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.
7. All state requirements shall be met and approvals from the Department of Health and Human Services shall be obtained for all water systems.

c. Locator Tape

Each installation utilizing PVC or other non-metallic material shall be marked by locator tape of a type approved by the City Engineer, located one foot below the surface of the ground.

d. 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 City Engineer and the Nebraska Department of Health and Human Services. 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 extension 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 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.

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6-3 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. Depending on the number of units, residential subdivisions shall be connected to an existing public sanitary sewer system if such a system is available, by gravity service, within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet
15 units and over	0.5 mile

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.

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 benefitted by such extensions shall contribute to such a fund. Subdivisions within the city limits of Chadron 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 pre-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 shall be obtained for all waste disposal systems.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.

2. Installation of sanitary sewer systems shall conform to community design standards in use within the City of Chadron.

3. A certification from a registered Professional Engineer shall be filed with the City of Chadron 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

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certification shall be affixed to an accurate set of "as-built" system plans.

c. Locator Tape

Each installation utilizing PVC or other non-metallic material shall be marked by locator tape of a type approved by the City Engineer, located one foot below the surface of the ground.

d. 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 for reasons of topography, economic feasibility, or other special condition 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 these regulations if the gross density of the subdivision is higher than one unit per 1.5 acres; 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. The preliminary plat application shall also show the proposed system for each lot 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.
3. The City shall consider all these submittals in determining whether to permit installation of private wastewater disposal systems for the subdivision.
4. 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. The developer's Professional Engineer shall furnish the City with three certified copies of as-built plans showing service line locations and final sewer and maintenance access locations, lengths, elevations, and grades.
5. 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.
6. City approval to install a community and/or private wastewater disposal system shall be allowed subject to the following additional provisions:
 - (a) 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.
 - (b) With connection to the City sanitary sewer system, all existing lot owners shall be required to disconnect from and abandon the pre-existing sanitary sewer 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 sanitary sewer system.

6-4 Storm Water Management

a. Design

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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.
3. To the 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 statute 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 City Engineer. 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 Chadron 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.

6-5 Parks and Public Facilities

a. Purpose

In order to serve the educational and recreational needs of new residents within the subdivisin 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 Chadron's parks system as a condition of subdivision approval.

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6-6 Parks

a. General Requirements

The amount of park facilities for new residents is partly based on data and policy in the adopted City of Chadron 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 Chadron has determined the following:

1. **Park Dedication.** If required by the city and consistent with the comprehensive development plan, a subdivision shall dedicate up to 0.04 acres per dwelling unit for parkland. Alternately, the subdivider shall pay a fee equivalent to the cost of 0.04 acres per unit, 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 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.
3. **Combining Parks and Schools Lands.** Whenever possible, and whenever in the best interests of the City and the affected school district, land dedicated for park and recreation sites shall be contiguous to land dedicate for a school site. Where the subdivision is less than forty (40) acres, park and recreation land to be donated should, where possible, and in the best interests of the City and the affected school district, be combined with donations from adjoining developments in order to promote usable park and recreation lands, and thereby minimize hardship on a particular subdivider.

6-7 Reservation of Additional Lands

The City Council may require reservation of sites to be purchased for schools and other civic facilities as a condition for approval of the subdivision. Where the Comprehensive Plan or the designation of the City calls for a larger amount of land in a particular subdivision or planned development for park and recreation use, or as additional public land that the subdivider is required to dedicate, the land needed beyond the subdivider's contribution shall be reserved for subsequent acquisition by the City. Reservation of land for public acquisition shall be for a period not to exceed three years from the date that the plat is officially recorded.

6-8 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.

6-9 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;

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- 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 or 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 City Engineer.

6-10 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 Treasurer, 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.

6-11 Developer Agreements

- a. Developer Agreements May Establish Time and Manner of Compliance

The City may enter into a Developer Agreement with any subdivider which sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations.

- b. Prior Development Agreements

If any developer 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.

6-12 Easements

- a. Utility Easements

- 1. Urban Subdivisions: Alley right-of-way and easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of allies and utilities. Alley rights-of-way shall be at least 20 feet in width and easements shall be 15 feet in width, both centered on the rear lot lines, and shall be provided along:

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

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 Chadron:

- (a) Certification by a registered professional or 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.

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6-13 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 these regulations.

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7

ARTICLE SEVEN

IMPROVEMENT FINANCING AND GUARANTEES

7-1 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.

7-2 Application

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

7-3 Responsibility of Developer

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

7-4 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 Chadron, the subdivider, and, if applicable, a Sanitary and Improvement District (the District). Additionally, no contract for the construction of public improvements involving a subdivision within the extraterritorial jurisdiction but outside the corporate limits of Chadron 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, the developer, and the District 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. It shall further include a statement reflecting an understanding that the District is a temporary mechanism to finance public improvements and that it is the eventual intent of the District to be annexed by the City following satisfactory retirement of its general obligation debt.

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 32 feet for streets designated as collector or arterial streets in the Chadron 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.

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- (b) The incremental cost of water mains over 8 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 Chadron 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.
- (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to 8 inches.
- (c) All paving and street construction, including curbs and gutters, up to a cartway width of 32 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 these regulations. 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 contract charge for underground electrical and gas service.
- (g) An iron rod and lot corner cap not less than one-half inch in diameter and 24 inches in length as follows:
 - 1) Set 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 Chadron Municipal Code.

3. The developer in lieu of installing and constructing said improvements at the subdivider's expense, may, along with 51% of the owners of property to be affected by such improvements, 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, pursuant to State Statute.

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7-5 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 Chadron. 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 Chadron.

7-6 Performance Guarantees

As a condition of the final approval of the plat and prior to its recording with the Dawes 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 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.

7-5 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the City Engineer 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 City Engineer shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, the developer 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 City Engineer 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 City Engineer.