

VILLAGE OF HADAR SUBDIVISION REGULATIONS

Article I. TITLE AND PURPOSE

Section 1. Title.

This Ordinance shall be known and may be cited as the Subdivision Regulations, 2023 Edition, for Village of Hadar, Nebraska.

Section 2. Purpose.

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

Article II. DEFINITIONS

Section I.

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not discretionary.

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

Alley: Shall mean a public right-of-way that is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

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

Comprehensive Plan: Shall mean the Village Comprehensive Development Plan of Hadar, Nebraska, as adopted by the Planning Commission and the Board of Trustees in accordance with the laws of the State of Nebraska.

Cul-de-sac: Shall mean a street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

Developer: Shall mean any person or entity who causes land to be subdivided into a subdivision as described in Section 81-885.01 of the laws of the State of Nebraska, or who undertakes to develop a subdivision, but shall not include a public agency or officer authorized by law to create subdivisions.

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

Farm: Shall mean any parcel of land utilized for agricultural purposes and containing 20 acres or more which produced 1,000 dollars or more of farm products each year.

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

Improvements: Shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation.

Licensed Professional Engineer: Shall mean a civil engineer that is licensed and registered in the State of Nebraska

Licensed Professional Surveyor: Shall mean a land surveyor that is licensed and registered in the State of Nebraska.

Lot: Shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street or dedicated access and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this regulation, or

A parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County.

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

Lot Depth: Shall mean the horizontal distance between the front and rear lot lines.

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

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

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

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

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

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

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

Lot of Record: Shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a resolution establishing the subdivision regulations.

Lot Width: Shall mean the width of a lot measured at the front or rear property lines, whichever is greater and at right angles to its depth.

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

Planning Commission: Shall mean the Village of Hadar Planning Commission.

Plat: Shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets, and other features relevant to the development and improvement of the property.

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

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

Road, Major Collector: Shall mean a County highway used to expedite the safe movement of local county vehicular traffic.

Road, Local: Shall mean a road primarily for service to abutting rural property.

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

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

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

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

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

Subdivision: Shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

Village: Shall mean the Village of Hadar, Nebraska.

Village Board: Shall mean the Board of Trustees of the Village of Hadar, Nebraska.

Village Clerk: Shall mean the authorized and appointed Clerk of the Village of Hadar, Nebraska.

Article III. PROCEDURE FOR SUBMISSION AND APPROVAL

Section 1. Application and Jurisdiction

A. Subdivisions; platting; approval of Village of Hadar.

No owner of any real property, located within the corporate limits of the Village or in an extra territorial area in which the Village is exercising subdivision control, shall be permitted to subdivide, plat, or layout said real property into building lots, streets, or other provisions of the same intended to be dedicated for public use, or for the use of the owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof in accordance with the provisions of the Subdivision Regulations of the Village. At such time that the Village exercises such controls over an unincorporated area by adopting or amending Subdivision Regulations, the Village's Subdivision Regulations shall supersede those of Pierce County, Nebraska.

B. Subdivisions; platting; requirements.

No plat of real property, described in paragraph A, above, shall be recorded or have any force and effect unless the same be approved by the Village. The Village shall have power, by Resolution or otherwise, to provide the manner, plan, or method by which real property in any such area may be subdivided, platted, or laid out, including a plan or system for the avenues, streets, or alleys to be laid out within or across the same including the hard-surfacing thereof.

C. Subdivisions; dedication of avenues, streets, alleys; hard-surfacing.

The Village shall have power to compel the owner of any real property in such area in subdividing, platting, or laying out the same to conform to the requirements of these Subdivision Regulations and to lay out and dedicate the avenues, streets, and alleys and hard-surfacing thereof in accordance therewith.

D. Subdivisions; comprehensive plan; standards; Village of Hadar prescribe.

The Village has provided for a Comprehensive Plan for the area within the zoning and subdivision jurisdiction of the Village of Hadar, Nebraska, to be the general plan for the improvement and development of unincorporated areas in the Village and its extraterritorial jurisdiction area and the Village has prescribed standards for laying out subdivisions in harmony with such Comprehensive Plan.

E. Utility Connections and Building Permits Prohibited.

No officer or employee of the Village shall issue any building permit, make any water or sewer connection or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of these Subdivision Regulations. No person, employee, or his agent of any utility company shall make any utility connections or issue any order for utility connections for any

building or buildings constructed or proposed to be constructed without a building permit first being issued by Village.

F. Subdivision Agreement.

The Village shall not approve a subdivision plat until a Subdivision Agreement has been entered into between the Developer and the Village. The Developer shall have such Agreement prepared at Developer's cost. The Agreement shall provide for the needs of the subdivision including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, common areas, engineering design data, specifications for construction, and any variances, if any.

1. All special conditions, including protective property covenants, Homeowner's Association Agreements, etc. shall be included as a part of the Agreement.
2. All variances that may be granted shall be included in the Agreement.

Section 2. Special Exceptions.

- A. All subdivisions of land into two or more parcels and replats of lots shall be filed with the Village Clerk and shall be approved by the Village Board after receiving recommendations from the Planning Commission, before the new plat or replat shall be recorded, have any legal force, or before any title of Ownership is transferred, all as of required pursuant to the provisions of these Subdivision Regulations.
- B. The replats or lot splits shall be drawn at a scale of 1" = 200', or other scale approved by the Village, including lot dimensions, a form for a notarized certification signed and acknowledged by all parties having any titled interest, a form for certification signed by the Village Clerk, Chairperson of the Village Board, and the Chairperson of the Planning Commission on a form for the certification signed by a Surveyor preparing and approving the plat.
- C. The replats will be noted to vacate and/or otherwise amend the previous Plat of Record.
- D. The Subdivision Regulations shall not apply to a change in the lot boundary line between adjoining lots or lands which does not create an additional lot or does not result in a nonconformity of an existing lot. A lot boundary change shall be submitted to the Village Clerk on a plat prepared by a licensed professional Surveyor describing the change in the existing lot boundary lines and the change thereof as requested. The Village Board will hear the application for a lot boundary change at a regularly scheduled monthly meeting or special meeting of the Board. Upon approval the lot boundary change, a Certificate of Approval by the Village shall be endorsed thereon by the Village Clerk and its Chairperson and copies of the lot boundary change shall be filed with the Register of Deeds.

Section 3. Preliminary Plat

In obtaining approval for a proposed subdivision, the Developer shall submit a Preliminary Plat showing and including data specified in Article IV, Preliminary Plat Requirements and in accordance with the following procedure:

- A. Before any Developer or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is under the Subdivision Contract for the Village, the Developer or his agent shall file a Preliminary Plat of said subdivision with the Village Clerk. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of any grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in form suitable for recording. The Planning Commission shall determine whether the tentative plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area.
- B. All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan. The Developer, at its expense, shall be responsible for such conformance.
- C. Procedure for Submission and Approval
 - 1. The Developer shall submit ten (10) copies of the Preliminary Plat and make application for the Preliminary Plat at least fourteen (14) days prior to the date of the regular Planning Commission meeting.
 - 2. Application is made at the office of the Village Clerk, who collects fees, orders signs to be posted and notices of hearing to be published.
 - a. The Developer shall appear at the Planning Commission meeting with Preliminary Plans for the use of the property and present the Developer's request for the platting or replatting of the real property. The Developer shall be prepared to outline the scope and character of the proposed project. In order to provide sufficient information for the Planning Commission to understand the proposed Preliminary Plat, the Developer shall be prepared to furnish the following type of information upon request:
 - (1) A preliminary statistical summary of the project, including the gross site acreage, the number of lots, the dedicated street width, and the acreages devoted to other related or specific uses, including recreation areas.

- (2) In addition to the ten (10) copies submitted to the office of the Village Clerk, the Developer is responsible for submitting to the following agencies for review and comment, as applicable. The Developer shall submit each copy to the appropriate agency via certified mail and shall provide the Village Clerk with the Return Receipt as proof of notification. Written statements, standards, or opinions from other sources and governmental agencies concerning the subdivision, as per the table on the following pages:

SPECIAL CONDITION	AGENCY
Flood plains	U.S. Army Corps of Engineers, Nebraska Department of Natural Resources National Flood
Septic tanks Sewage treatment facilities	Nebraska Department of Environmental Quality
Portable Water Professional Well Driller test well	Nebraska Department of Roads
Industrial Tracts	Nebraska Department on Environmental Quality on: Air, sound, water quality, waste disposal and treatment

The following are the agencies required to be notified by the applicant:

Nebraska Department of Environmental Quality
P.O. Box 98922
1200 AN@ Street, Suite 400
Lincoln, Nebraska 68509-8922

Nebraska Department of Health and Human Services
Director of Health
301 Centennial Mall South
Lincoln, Nebraska 68509

U.S. Army Corp of Engineers
Eastern Nebraska Regulatory Field Office
9901 Pershing Drive
Omaha, Nebraska 68112

Nebraska Department of Natural Resources
301 Centennial Mall South Lincoln,
Nebraska 68509

Nebraska Department of Water Resources
301 Centennial Mall South Lincoln,
Nebraska 68509

Nebraska Department of Roads
1500 Highway 2
Lincoln, Nebraska 68509

All Utility Companies serving the proposed subdivision

All school districts with jurisdiction

3. The Village must receive written recommendations from these agencies prior to the Planning Commission hearing which is the advertised public hearing date and if no response is received within thirty days, the Planning Commission will assume there are no objections and take action.
4. The final review comments or recommendations of the other public agencies reviewing the Preliminary Plat shall also be presented at the published public hearing before the Planning Commission.
5. The Planning Commission will hear the application and any opposition during the hearing and after the hearing will deliberate on the application in view of the following and other related considerations:
 - a. Recommend approval with their evaluation and reasons for action.
 - b. Recommend denial with their evaluation and reasons for action.
 - c. Postpone action with reasons for delay. The actions of the Planning Commission will be noted on two copies of the Preliminary Plat. One copy will be returned to the Developer and the other shall be filed with the Village Clerk.
6. If the Planning Commission recommends denial or approval, the Village Clerk then orders notice of hearing before the Village Board to be published. This notice must be published at least ten days prior to the hearing, so the hearing date is set with this in mind. The Village Clerk shall also add the Village Board hearing date to the posted signs.

The Village Board at the hearing may do one of three things:

 - a. Concur with the Planning Commission's recommendations.
 - b. Reverse the Planning Commission's recommendations.
 - c. Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Commission.
 - d. Approve with minor alterations
7. Conditional approval of a Preliminary Plat shall not constitute acceptance of the plat but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat.

8. When a rezoning request is applied for concurrently with the Preliminary Plat, the conditional approval of the Plat shall, also, provide for conditional approval of the rezoning request. The rezoning does not become official until the Final Plat is filed and approved.
9. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. The approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval unless all or a portion of the approved Preliminary Plat has been submitted for approval as a Final Plat during the said period.

Twelve (12) month extensions may be granted by the Village Board upon written request by the Developer and upon the payment of an additional platting fee equivalent to the original preliminary platting fee.

10. Following the hearing, the Developer shall revise the Preliminary Plat presented to incorporate all changes requested by the Planning Commission. Similarly, if there are any additional changes required by the Village Board, these changes shall be incorporated in the preparation of the Final Plat. Following the approval of the Planning Commission and the Village Board, the Developer may proceed with the preparation of the Final Plat.

Section 4. Final Plat.

In obtaining approval for a proposed subdivision, the Developer shall submit to the Village Board ten (10) copies of the Final Plat prepared by a Licensed Professional Engineer or Surveyor, showing and including the data specified in Article V, Final Plat Request with the following procedure:

- A. Final Plat shall be submitted within twelve (12) months of the approval of the Preliminary Plat, or such approval shall expire, and the Preliminary Plat shall be resubmitted for approval prior to the preparation of the Final Plat.
- B. The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the Developer proposed to record and develop at the same time. If the Final Plat as submitted, is substantially different, as determined by the Planning Commission, the Plat may be required to be resubmitted as a Preliminary Plat.
- C. The Final Plat shall be submitted to the Planning Commission for approval at least two weeks prior to the meeting at which it is to be considered.
- D. Procedures for Final Plat shall be the same as set out for the Preliminary Plat in Section 3 above. After review and consideration by the Planning Commission, the Plat shall be submitted with their recommendation to the Village Board for final approval and adoption after a public hearing. Prior to said public hearing, the Village Board shall prepare a notice

and cause the same to be published at least once in the official newspaper at least ten (10) days before the public hearing. Said notice shall contain the location of the land, the name of the proposed subdivision, and the date of the public hearing. Prior to submission of the Final Plat to the Village Board, the Village Clerk shall certify that all improvements required by this Resolution have been installed or satisfactorily arranged for.

- E. Upon approval of the Final Plat a certification of approval by the Village Board shall be endorsed thereon by the Village Clerk and its Chairperson and copies of the plat shall be filed with the registrar of deeds.

One (1) original Mylar reproducible on an 18" x 24" sheet with 1/2" borders to the County Surveyor. On an Administrative Subdivision the sheet size may be 8 1/2" x 14".

One (1) electronic copy stored on a Flash Drive or CD in PDF format or other software format specified by the Village Clerk.

One (1) Mylar reproducible at a scale approved by the County for the Register of Deeds Office. The sheet requirements are the same as for the County Surveyor.

One (1) Mylar reproducible on a sheet up to 36" x 48" on subdivisions over 40 acres. One (1) print for Local Fire District.

- F. The concurring vote of the majority of the Village Board shall be necessary to approve the Final Plat.
- G. The Final Approval of a plat does not constitute approval or acceptance of roads or streets for maintenance by the Village.
- H. The Final Plats for condominium property shall be submitted together with three (3) copies of the documents creating the Condominium Property Regime, the documents creating a Homeowner's Association or similar entity, and the documents containing the protective property covenants.
- I. No Final Plat for subdivision shall be approved for recording unless street and utility improvements, as set forth herein, have been completed or arranged for in a Subdivision Agreement with the Village.

Section 5. Submission to the School Board.

Prior to any approval of the Preliminary Plats by the Planning Commission and Village Board, a copy of each Preliminary Plat shall be submitted to the School Board of each district, by the County Zoning Office, in which the real estate is located for their consideration and recommendations. The School Board shall within thirty (30) days recommend in writing to the governing body that such plat be approved or disapproved in whole or in part or with such changes as may be desirable. This recommendation shall be advisory, and failure of the Board of Education to make written recommendation within thirty days shall be construed as an approval of the proposal submitted.

Section 6. Professional Assistance.

At the expense of the Developer, the Village Board or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the Plats as submitted.

Article IV. PRELIMINARY PLAT REQUIREMENTS

Section 1.

The Preliminary Plat shall contain the following information:

- A. A small scale key or vicinity map adequately covering the area within a half mile radius of the subdivision, showing the relation of the plat to major streets, parks, schools and surrounding major commercial, industrial developments and the boundary of the drainage area affecting the Plat.
- B. A Preliminary Plat of the subdivision drawn to the scale of two hundred feet (200') to one inch (1") unless otherwise approved by the Village, said preliminary plat to show:
 - 1. Legal description, acreage and name of proposed subdivision.
 - 2. Name and address of the Owner.
 - 3. Name of person who prepared the plat, and date thereof.
 - 4. North point and graphic scale.
 - 5. Existing and proposed tentative contours at five foot (5') intervals, or less.
 - 6. Location of existing or platted streets within the proposed subdivision and 200' thereof; location of lot lines, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads, and buildings in the proposed subdivision and within 50 feet thereof.
 - 7. Layout of proposed blocks (if used) and lots including the approximate dimension of each, and the lot and block number in numerical order.
 - 8. Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks, and other open spaces or reserved areas and address.
 - 9. Names of adjacent property owners.
 - 10. Grades of proposed streets and alleys.

11. Sight distance/stopping distance for entrances to County Roads signed off by the County Highway Superintendent.
12. The general location of proposed water mains and sanitary sewers and a statement describing same.
13. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
14. Proposed building lines, if different than the yard requirements established in the Zoning Regulation.
15. Proposed street names shall be extension of existing name streets or roads as designated in the Villages Comprehensive Development Plan or as approved by the Village Board.

Article V. FINAL PLAT REQUIREMENTS

Section 1.

The Final Plat shall meet the following specifications:

- A. It may include all or only part of the Preliminary Plat.
- B. The Plat shall be drawn to the scale of two hundred feet (200') to one-inch (1") or as otherwise approved by the Village.
- C. The Final Plat shall contain the following:
 1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract meeting the minimum standards for land surveys as adopted by the Professional Surveyors Association of Nebraska.
 2. Accurate references to known or permanent monuments.
 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 4. Accurate legal description of the boundary.
 5. Street names.
 6. Complete curve notes for all curves included in the plan.
 7. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.

8. Lot numbers and exact dimensions.
9. Block numbers, if used.
10. Building lines if different than yard requirements of Zoning Regulations.
11. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
12. Location, type, material and size of all survey monuments.
13. Name of the subdivision.
14. North point, scale and date.
15. Certificate signed by a Nebraska registered land surveyor, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said certificates shall state that a survey has been made and that either the monuments have been placed as shown on the plat or that temporary monuments have been placed.
16. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided, consenting to the plat including dedication to the public for public use of all streets, alleys, and public ways and dedication of parks or other public grounds or as is thereon dedicated to charitable, religious, or educational purposes, if any, and granting easements.
17. Certificate to be signed by the County Treasurer stating there are not regular or special taxes delinquent against the property described in the plat on the date which the plat is recorded by the Register of Deeds.
18. Certificate signed by Surveyor approving the plat.
19. Certificate for the approval of the Planning Commission to be signed by the Chairperson and Secretary thereof.
20. Certificate for approval of the Village Board to be signed by the Chairman and attested by the Village Clerk.
21. One copy of any private restrictions or covenants affecting the subdivision of any part thereof.
22. Subdivision Agreement to be entered into between the Developer and the Village.

23. All variances granted to the subdivision shall be recorded on the final plat.
24. A copy of Access to County Road Permit signed by County.

Article VI. DESIGN STANDARDS

Section 1. General.

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

Section 2. Streets.

- A. The arrangement of major streets shall conform as nearly as possible to the Comprehensive Plan with provisions for the extension of major and collector streets. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provisions shall be made for future connections to adjoining unsubdivided tracts.
- B. Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs shall normally not be longer than six hundred (600) feet and shall terminate with a turnaround having a paving diameter of not less than eighty (80) feet.
- C. Where a proposed subdivision is adjacent to or contains an existing or proposed major or controlled access thoroughfare, provision shall be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, or lots shall back up to the major street and have access only to the minor street.
- D. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.
- E. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
- F. Alleys shall be provided in commercial and industrial districts except where other definite and assured provisions are made for service access.
- G. The right-of-way widths, pavement widths (face to face of curb) and grades for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions or more than the maximum grades for each classification as follows:

MINIMUM DESIGN STANDARDS FOR URBAN STREETS
 (All Streets and Roads Shall Meet State of Nebraska, Board of Public Roads Classifications and Standards), Latest Edition

Roadway Classification	Design Year ADT	Design Speed (MPH)-Min.	Maximum Curve (Deg.)	Maximum Grade (%)	Number of Lanes-Min.	Lane Width Ft.-Min.	R.O.W.	Shoulder Width Ft.-Min.	Surfacing Type-Minimum	Lateral Obstacle Cleared- Ft
Major Arterial* includes all section line roads	*** 3,000+	50	7	7	2	12	100'	8	Hard Surface	12
Other Arterial	***	30	15	8	4	11	80'	8	Concrete with curb & gutters	
Collector*	500-2,000	25	20	10	3	12	70'	6	Concrete with curb & gutters	
Local	200-500	25	30	10	2	14	60'	6	Concrete with curb & gutters	
Alleys	NA	15	30	15	1	10	20'	None	Concrete with curb & gutters	
Cul-de-Sac** Streets	0-200	15	30	10	2	12.5	110'	4	Concrete with curb & gutters	

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

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

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

MINIMUM DESIGN STANDARDS FOR RURAL ROADS AND HIGHWAYS
 (All Streets and Roads shall meet State of Nebraska, Board of Public Roads Classifications and Standards), Latest Edition

Roadway Classification	Design Year		Design Speed (MPH)-Min.	Maximum Curve (Deg.)	Maximum Grade (%)	Number of Lanes-Min.	Lane Ft.-Min.	Width R.O.W. (Feet)	Surfacing Minimum	Type-	Lateral Obstacle Cleared- Ft
	Design No.	ADT									
Other Arterial	ROA-1	401-750	50	7.5	7	2	12	100'	Agg.		12
	ROA-2	251-400	50	7.5	7	2	11		Agg.		10
	ROA-3	51-250	50	7.5	7	2	10		Agg.		10
	ROA-4	0-50	40	8.0	8	2	10		Agg.		8
Collector	RC-1	251-400	50	7.5	7	2	11	80'	Agg.		10
	RC-2	51-250	50	7.5	7	2	10		Agg.		10
	RC-3	0-50	40	10.0	9	2	10		Agg.		8
Local	RL-1	251-400	50	7.5	7	2	11	80'	Agg.		8
	RL-2	51-250	50	7.5	7	2	10		Agg.		8
	RL-3	0-50	30	23.0	10	2	10		Agg.		5

NOTE: Design Year shall be year of initial construction plus 20 years.

SOURCE: Minimum Design Standards of the State of Nebraska, Board of Public Roads Classifications and Standards.

Where a subdivision borders on or contains a railroad right-of-way, the Village Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be approximately used for park purposes in residential districts, or for commercial or industrial purposes in non-residential districts. Such distances shall be determined with due regard for the requirements of approach grades or future grade specifications.

- A. Reserve strips in private ownership controlling access to streets shall be prohibited.
- B. Intersections with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.
- C. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- D. When connecting street lines or street entrances to a County Road that deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance as per the current NDOR Design Manual but not less than four hundred (400) feet for local or collector streets, and of such greater or less radii as the Planning Commission shall determine for special cases. All sight distance shall be approved by the Highway Superintendent on an Access to County Road Permit.
- E. Streets and roads shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- F. Curb radii on all block corners shall be a minimum of twenty (20) feet and a minimum of ten (10) foot radius shall be used at intersections of driveways and alleys.
- G. The right-of-way widths, pavement widths (back to back of curb), street grades, and the sight-distances for streets and alleys in any subdivision shall not be less than the minimum dimensions nor more than the maximum grades as on the minimum design standard table.
- H. The horizontal alignment on all streets except in unusual cases shall be as follows:

Other Arterial Streets.....	700' minimum
Collector Streets.....	300' minimum
Local Streets.....	100' minimum
Cul-de-sacs.....	100' minimum
- I. No road or street grade shall be less than one-half (0.5) of one (1) percent.

- H. Flatter grades are preferred from fifty (50) to one hundred (100) feet from an intersection, but in no case shall grades exceed four (4) percent for a distance of at least fifty (50) feet from an intersection.
- I. Dead-end roads and streets as permanent features shall be prohibited.

Section 3. Easements.

- A. Easements across lots are centered on rear or side lot lines, shall be provided for utilities, where necessary, and shall be at least seven (7) feet both sides of the property line on side yards and ten (10) feet both sides of the property line for rear yards.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of such widths as will be adequate for both waterflow and maintenance operations.

Section 4. Blocks.

- A. Except in unusual circumstances, the length of blocks shall not be less than 300 feet and not greater than 1320 feet.
- B. Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation for or access to schools, playgrounds, shopping centers, and other community facilities.
- C. The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred forty (240) feet in width. In cases of irregular shaped blocks the minimum width may be waived by the Village Board.
- D. Blocks intended for business and industrial use should be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Village Board may require service drives or frontage access roads along major streets for business or industry.
- E. Where frontage is on a major collector street, the long dimensions of the block should front hereon.

Section 5. Lots.

- A. Lot dimensions and lot area shall conform to the requirements of the Zoning Regulation. However, in no case shall the width be less than 60 feet, nor less than 100 feet in depth, nor less than 7,500 square feet in area when served by a public sewer.
- B. Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets.

- C. Each lot shall have satisfactory access to a public street.
- D. Double frontage lots shall be avoided except where they back up to a major street.
- E. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.
- F. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Setback or building lines may be shown on all lots but shall not be less than the setback required by the Zoning Regulation.
- H. Platting of lots for commercial and industrial purposes should include adequate space for off-street parking and service area.
- I. Excessive depth in relation to width of lots over 3 to 1 shall be avoided.

Section 6. Public Sites and Open Spaces.

- A. Where a park, playground, school or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the Village may require the acquisition or accept the dedication or reservation of such area within the subdivision.
- B. Where deemed essential by the Planning Commission and the Village Board upon consideration of the type of development proposed in the subdivision, and especially in a large-scale development not anticipated in the Comprehensive Plan, the Village may request the dedication or reservation of such other areas or sites of a character, extent or location suitable to the needs created by such development for school, parks and other neighborhood facilities.
- C. When a tract of land is being subdivided, the Developer shall submit a plat of the proposed development to the local school board.
- D. All Developers may be assessed the assessments for improvements to implement the public sites and open space segment of the Comprehensive Plan. The form and amount of assessment will be fixed by the Village Board upon recommendation of the Planning Commission when the costs for the improvements have been determined.
- E. Where future school sites or public park sites are shown on the Comprehensive Plan and are located on a tract of land proposed to be subdivided, the sites shall be reserved for a period of six (6) months, and the School and Village may purchase the unplatted land at a value determined in the same manner as required by the Nebraska Statutes for proceedings under the power of eminent domain, or by negotiations with the owners of the property.

Article VII. IMPROVEMENTS AND STANDARDS

Section 1. General.

Schedules of improvements shall be prepared by the Developer. The schedules shall contain standards, and class of construction which are consistent within the zoning districts. The Subdivider shall furnish copies of pertinent schedules and certificates of compliance.

No contracts for the construction of any improvements within the subdivision shall be awarded without the approval of the Board.

Subdivider shall follow all Federal, State and Local codes and requirements that pertain to streets, sanitary sewers, water, drainage, utilities, etc. that pertain to development.

Section 2. Staking.

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

- A. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths inch (5/8") and minimal length of twenty-four (24) inches. When extenuating circumstances dictate, the surveyor may use such monuments (i.e. nail and washer) that have a probability or permanence. Where a corner or a line falls on or within a wall, a column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereof.
- B. In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the Village Board.

Section 3. Sanitary Sewers.

The Developer when providing the subdivision with a complete sewer system, when applicable, and shall connect with a sanitary sewer outlet approved by the Village Board and Nebraska Department of Environmental Quality, when provided. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.

Section 4. Storm Drains.

The Developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and the removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cfs) shall not exceed 125% of the pre-development runoff rate at any time following post development, based upon a 2-year; 10-year; 50-year; and 100-year storm events. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops. In determining the size or type of storm sewer the design shall be sufficient to handle all computed runoff at the point in question. For large drainage areas, the Village may require cross drainage structures such as culverts, bridges, etc.

Section 5. Grading.

All full widths streets located entirely within the boundary of the subdivision, except major and collector streets as noted, shall be graded to a minimum width of 9 feet back of both curb lines to within six (6) inches of the grade. Such grading shall be completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work shall be furnished to Village of Hadar before the required improvements have been satisfactorily arranged for. Where crushed rock or gravel is permitted for street surfacing, such street shall be graded to its full width.

Section 6. Curb and Gutter.

Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland Cement Concrete in accordance with designs and specifications approved by the Village Board.

Section 7. Surfacing.

All roadways being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic material or Portland Cement Concrete of at least six (6) inches and shall be constructed in accordance with designs and specifications approved by the Village Board.

Section 8. Specifications.

The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the Village for like work. Plans and specifications shall be submitted to the Village Board for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

Section 9. Other Improvements.

The Village Board, upon recommendation of the Planning Commission, may require the installation of street lights, street signs, subdivision name sign and trees.

Section 10.

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

- A. The Developer shall install the required improvement after Village Board Approval.
- B. The Developer shall post a performance bond or certified check in the amount of 100% of the cost of the required improvements as estimated by the Village Board guaranteeing the installation of the improvements within 3 years after the plat has been recorded. The bond or certified check shall be released upon installation of the required improvements and approval thereof by the Village Board. Further, such period may be extended by the Village Board upon as shown by the developer that lot sales and development do not warrant installation. If the improvements are not completed within the specified or extended period of time, the performance bond shall be forfeited and used by the Village to complete the installation of the improvements. In addition, the Village Board may require additional assessments against the subdivision for the purpose of completing necessary improvements.

Section 11.

If the Developer does not comply with Section 11, A, or Section 11, B, hereinabove stated, the Developer shall select any method or combination of methods listed below to comply with the street surfacing, sanitary sewer, storm drainage and sidewalk requirements.

- A. A road improvement district or sanitary and improvement district may be created in accordance with appropriate State laws. However, the Village Street Superintendent shall not certify to the Village Board that required improvements have been satisfactorily arranged for until certified evidence is presented that the improvement district has adopted a resolution of necessity authorizing a contract for the required work in that portion of the district included in the Final Plat.
- B. The Developer shall execute a written agreement with the Village providing:
 - 1. That the Developer will install all required improvements, as per Article VII unless the criteria of Article VIII are met, to serve all sold and closed lots in the subdivision not later than twelve months following the date when 50 percent of the lots in the subdivision have been sold and closed; provided That the Developer will in all events, install all required improvements to serve all sold and closed lots in the subdivision not later than three years after recording of the plat even though 50 percent of the lots in the subdivision may not have yet been sold.

2. The Developer will make the above covenant a minimum provision in each contract of sale with the lot purchasers, which contract shall be enforceable by the Village and by all lot purchases. It is further provided, however, that the Village Board shall issue no permits for construction of buildings or structures on any lot in said subdivision until said written agreement with the Village is executed. It is further provided that the Village Board shall have the right to limit the size of the area of the Final Plat if the area of the tentative plat is more than 10 acres.

Section 12.

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

Article VIII. VARIANCES

Section 1. Hardship.

- A. Whenever the tract of land proposed to be subdivided is: 1) less than three acres and does not involve any dedication for street purposes; or, 2) is of such unusual shape or topography; or, 3) is affected by surrounding developments or unusual conditions such that the strict application of the requirements contained in this Resolution would result in substantial hardships or inequities, the Village Board upon recommendation of the Planning Commission may vary or modify such requirements so that the Developer is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the Village and surrounding area are protected and the general intent and spirit of these regulations are preserved, including, among others, such specific purposes as:
 1. Developing both urban and non-urban area;
 2. Lessening congestion in the streets or roads;
 3. Reducing the waste of excessive amounts of roads;
 4. Securing safety from fire and similar dangers;
 5. Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm flood waters;
 6. Providing adequate light and air;
 7. Preventing excessive concentration of population, and excessive and wasteful scattering of population or settlement;

8. Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
9. Protecting the tax base;
10. Protecting property against blight and depreciation;
11. Securing economy in governmental expenditures;
12. Fostering the state's agriculture, recreation, and other industries;
13. Encourage the most appropriate use of land in the County; and
14. Preserving, protecting and enhancing historic buildings, places, and districts.

Section 2. Conditions.

In granting variances, the Village Board, upon recommendation of the Planning Commission, may require such conditions as will secure substantially the objectives of the standards or requirements so varied.

Article IX. ENFORCEMENT

Section 1.

No plat of any subdivision within the application of this Resolution shall be entitled to be filed or recorded in the office of the Register of Deeds or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by this Resolution.

Section 2.

It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision within the application of this Resolution unless said plan, plat or replat shall have first been approved as prescribed by this Resolution and filed and recorded in the office of the Register of Deeds.

Section 3.

No permit shall be issued for any structure on a site or tract of land which is not a lot of record at the time of the effective date of this Resolution or which has not been approved or recorded in accordance with the provisions of this Resolution.

Article X. FEES

The Village Board has the power and authority, by Resolution, to fix the rates to be paid by Developers in the subdivision process. All such fees shall be placed on file at the office of the Village Clerk for public inspection. The fees may be changed from time to time by Resolution adopted by the Village Board.

Article XI. AMENDMENTS

The Village Board may amend these regulations from time to time, provided, however, that such amendments shall not become effective until a public hearing and a recommendation from the Planning Commission is received and a public hearing by the Village Board has been held as required by law.

Article XII. VALIDITY

If any article, section, sub-section, sentence, clause, or phrase of this Resolution be declared unconstitutional or void, such decision shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared invalid.

Article XIII. PENALTY

Any person, firm, co-partnership, association or corporation violating any of the provisions of this Chapter shall be guilty of a Misdemeanor as provided in Section 1-801: Violation; Penalty found in Article 8 – Penalty Provisions of Chapter 1 – Civil Addition to the Code of the Village, and as amended. The sale of each and every lot sold in violation of this Chapter shall be considered a separate violation.

Article XIV. GUIDELINE PROCEDURES FOR PUBLIC IMPROVEMENTS

Section 1. General.

The procedure by which public improvements are installed in a subdivision is a matter of mutual concern to the Developer and the Village. These improvements become permanent features and could be a great financial burden to the Developer and a continual excessive maintenance cost to the residents; therefore, it is the intent of this section to provide for adequately sized, properly installed improvements through the prescribed rules and standards for recreation improvements, utilities, and streets.

Section 2. Responsibilities of Developer.

- A. No contract for any public improvements provided for in this section and within the jurisdiction of the Village shall be let, unless the Village shall, first, have made a detailed study of the costs for the improvement.

- B. Any Developer proposing to acquire, purchase, install, construct, repair, or to let a contract for the improvements shall be first required to enter into an agreement with the Village for the purposes of having a mutual understanding of the cost for public improvements that will be assessed to the lots within the subdivision; an understanding of the schedule, the applicable standards, and the supervision and inspection of the construction work involved.
- C. Any Developer of a subdivision or planned development proposing to acquire, purchase, construct, repair, or let a contract for public improvements shall first be required to enter an agreement with the Village to pay an additional fee not to exceed one percent of the construction cost to cover for the review and approval of construction plans and contracts, documents, and inspection of construction.
- D. No contract shall be let, awarded, or otherwise consummated by the Developer after receiving bids, duly advertised, unless first receiving the approval of the Village Board concerning the basis of assessments for the costs to be incurred as a general obligation by the Sanitary Improvement District, Development Corporation, or other persons to be involved in the contract; and the basis of special assessments for improvement costs.
- E. The Developer shall be required to furnish maintenance bonds on forms required by the Village in the full amount of the contract cost for the public improvements as security for the guaranteed maintenance; and the Developer shall furnish the Village Board with a Performance bond for the full amount of the contract cost as security for the faithful performance of the contract.

Article XV. SUBDIVISION COMPLIANCE CERTIFICATE

Prior to the application for a building permit or other permits on any tract of land or recorded lot in residential, commercial, or industrial zoning districts appended as a Planned Development District, the Owner, Developer, Subdivider, or Builder shall submit to the Village Clerk the following to show that the subdivision, land or lot split, or replat conforms to the requirements of the Village Subdivision Regulations:

- A. The Village Board shall receive from the Owner the subdivision plans and other documents to verify compliance with this resolution, and if necessary may require certification or additional information as architectural building plans showing floor plan and building elevations as well as landscape planting plans and other improvement plans to certify compliance with the original subdivision agreement.
- B. The Village Board, after reviewing the documents and data submitted for the Board’s check, may issue a Subdivision Compliance Certificate and inform the Developer that the Developer may make application for a building permit.

Article XVI. BUILDING PERMITS

All Building Permits shall be subject to the review and approval by the Village Board. No building permits will be issued on unrecorded plats or tracts of land.

Passed and approved this _____ day of _____, 2023.

Chairperson

ATTEST:

Village Clerk