

# EXHIBIT A

## CHAPTER 11. SUBDIVISION REGULATIONS

**11.01. Intent.** The intent of this section is to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the City, for the coordination of streets or roads within subdivision of land with other existing or planned streets or roads, for adequate open spaces, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity.

**11.02. Definitions.** For the purposes of Section 11, a subdivision (or subdivide) shall be defined as:

The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building. The definition includes resubdivision and shall relate to the process of subdividing or to the land subdivided. For the purpose of recording any separation of land, a plat of such division shall be submitted for approval in accordance with Section 11.03.

For the purposes of Section 11, a subdivider or developer shall be defined as: Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

### **11.03. Applicability:**

1. Each separate principal use building within the planning area of the City shall be situated on a separate and single subdivided lot of record.
2. No subdivision of land, except those hereinafter exempted, shall be permitted within the City Planning Area unless a plat is approved in accordance with the provisions of these Regulations.
3. These Regulations shall apply not only to subdivision as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivision is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.
4. These regulations shall apply to all land located in within the corporate boundary of the City and all land located within the one mile extraterritorial zoning boundary of the City.
5. The following shall be exempt from subdivision regulations:
  - A. Division of land for agriculture purposes;
  - B. When the division of land results in parcels more than ten acres in size.
  - C. Lot splits and administrative subdivisions of existing lots or blocks approved by the City Zoning Administrator when no new public right-of-way is required, no new easements are required, all public improvements are already in place, and the dimension of proposed lots and blocks conform to all other zoning and subdivision requirements.

**11.04. Procedure:** Any person, partnership, or corporation intending to subdivide land within the city's planning jurisdiction shall submit plans and plats as required by and specified by this Ordinance to the Planning Commission and the City Council for review and approval. There are four steps in the subdivision process:

#### **Step 1: Pre-Application Procedure:**

- A. Before filing a preliminary plat the subdivider shall consult with the Zoning Administrator for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographical survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

- B. The Zoning Administrator shall inform the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations.
- C. The pre-application procedure does not require formal application, fee, or filing of plat with the Zoning Administrator.

**Step 2.** An applicant shall submit an application for a change of zone (if required) as outlined in Chapter 11 of the City of Kimball Municipal Code.

**Step 3.** Preliminary Plat & Application Contents.

The subdivider shall submit to the zoning administrator five (5) copies of the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur at least 21 days prior to the regular meeting of the Planning Commission at which the request will be heard and shall include the following.

- A. A vicinity map shall be submitted showing the following:
  - 1. The perimeter outline of the proposed subdivision. The location of all existing and proposed accesses to the proposed subdivision.
  - 2. The location and name of all roads and highways within five hundred feet (500') of the perimeter of the proposed subdivision.
  - 3. The perimeter outline and identification of subdivisions, zoning districts, and any special districts within five hundred feet (500') of the perimeter of the proposed subdivision.
  - 4. Plans for the development of the entire area if the proposed plat is a portion of a larger holding intended for subsequent development, including preliminary engineering

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for all improvements for the entire holding.

- B. A preliminary plat shall be submitted at a scale of 1"=100' showing the following:
  - 1. Name of subdivision, owners of the property and legal description.
  - 2. Name of the subdivider, engineer, landscape architect and surveyor.
  - 3. North arrow, scale, graphic scale and date.
  - B. The location and dimension in feet for property lines, lot lines, and building setback lines.
  - 5. Names and dimensions of all existing and proposed streets, rights-of-way, sidewalks and trails and pavement widths.
  - B. The locations and sizes of existing and proposed utility lines, including water and sewer lines, and any other utility installations, including underground natural gas, electrical, or telephone lines adjacent to within the proposed subdivision, or the locations of the nearest available such utilities.
  - 7. Existing and proposed topographic contours (preliminary grading plan) at two (2) foot intervals if the average slope is less than five (5) percent and at five (5) foot intervals

if

the average slope is five (5) percent or more.

- 8. The location of existing tree clusters and trees with trunks nine (9) inches in diameter or greater measured two feet above the ground.
- 9. An indication of any area subject to flooding as determined by flood hazard insurance maps of the jurisdiction.
- 10. Location and dimensions of any proposed sites, parks, or other lands reserved or required to be reserved for public use in accordance with the Comprehensive Plan and these subdivision regulations.
- 11. Proposed and existing easements, dedications, and reservations of land.
- 12. A legend stating the total acreage, the number of lots, a computation of lot density, and the total lineal feet of streets and alleys.

C. Additional information to be submitted with the Preliminary Plat shall include the following:

1. A description of the types of uses proposed for the subdivision.
2. A summary explaining how the developer will address any problems or concerns that were identified in the sketch plan.
3. A statement describing the ownership, function, and maintenance of any open space or park within the proposed subdivision.
4. A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.
5. A description of the proposed sewage disposal system and gallons per day of sanitary waste to be created.
6. A preliminary drainage report, including calculations of the quantity of storm water runoff of the proposed tract before development and a preliminary estimate of the location and amount of storm water runoff after full development of the site, including the location and direction of proposed surface water drainage shown on the preliminary grading plan, as well as the size and capacity of any proposed detention or retention areas.
7. The proposed method of financing with an estimate of the infrastructure construction costs related to the proposed subdivision. Cost estimates shall include, but not limited to the following:
  1. Streets and related facilities.
  2. Water distribution systems.
  3. Storm drainage facilities.
  4. Sewage collection systems.
  5. Other utilities and infrastructure as may be required.
8. A list of any covenants, grants of easements, and restrictions imposed upon any land, buildings, and structures within the proposed subdivision.
9. A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the Kimball County Assessor to the owners of property of the surface estate within three hundred feet (300') of the property subject to the application. The applicant shall certify that such list was assembled within thirty (30) days of the application submission date.

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**Step 4. Final Plat Application & Contents:**

The preliminary plat must be approved by the City Council before a final plat can be submitted.

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final plat shall be submitted for approval within one year of the date the a preliminary plat has approved by the City Council unless an extension of time is granted by the City Council within one year's time. The final plat shall conform to the approved preliminary plat. The Council may approve a modified final plat if changes reflect improvements in design.

A. The final plat shall be submitted with the information required in the preliminary plat and in addition the following information:

1. Two (2) reproducible mylar copies of the plat and one CAD copy.

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2. Copies of the plat and one (1) reduced copy of the plat which is 8 1/2" x 11" or 8 1/2" 14" in size.

3. Location by specific legal description indicating boundary lines with accurate lengths, angle and bearing, based upon an accurate traverse, boundary lines having been determined by a balanced and closed survey conducted in the field.

4. Tract boundary lines, rights-of-way of all streets, alleys and other rights-of-way, property lines of all lots and other sites with dimensions given in feet and hundredths of a foot.

5. Location, dimension in feet (and hundredths of a foot) of all easements together with the purpose for each.

6. Radii, central angles, tangents, lengths of arcs, curvature angles at street intersections, and a complete street traverse of each street within and on the perimeter of the plat.

7. Accurate location, size and type, and material of all monuments, an indication

whether

such monuments were found or set, and the elevation of at least one such monument based on USGS datum.

8. All lot and block numbers.

9. Accurate outlines of any area to be dedicated or reserved for public use, dedicated areas for storm water management or acquisition with the purposes indicated thereon, and any area to be reserved by covenant or deed restriction for the common use by the owners of the subdivision.

B. Additional information to be submitted with the Final Plat shall include the following:

1. A storm water management plan providing quantities of surface drainage and methods for complying with engineering standards.

2. A statement indicating if on-street parking will be permitted within the proposed subdivision.

3. If the applicant is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent from the appropriate public agency stating it will accept the lands to be dedicated.

4. A list of any covenants, grants of easement, and restrictions imposed upon any land, buildings and structures within the proposed subdivision.

5. A copy of a Nebraska Department of Roads access permit if a new street intersects with a state highway.

7. A certificate from the County Treasurer showing no delinquent taxes for the final plat area.

8. A title commitment or a title option covering all public dedications.

9. A warranty deed, if required, deeding to the appropriate entity any lands to be used

for

the benefit of the public or owners of this subdivision.

10. The final plat shall contain the following certificates and seals:

A. Certificate of Dedication, Ownership, and Maintenance:

Know all persons by those present that \_\_\_\_\_ being the Owner(s), Mortgage or Leinholder of certain lands in Kimball County, Nebraska, described as follows:

Beginning \_\_\_\_\_ containing \_\_\_ acres, more or less, have by these

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laid out, platted, and subdivided the same into lots and blocks, as shown on this plat, under the name and style of and do hereby dedicate to the public, school district, owners and future owners of this subdivision all ways, public rights-of-ways, easements, parks and open space, and other public right-of-way and easements for purposes shown hereon.

Executed this \_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

(Owner, Mortgagee, or Lienholder)  
The foregoing dedication was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_

My Commission expires\_\_\_\_\_

Notary Public

\_\_\_\_\_  
Witness my hand and seal

B. Surveying Certificate:

I, \_\_\_\_\_, a registered Professional Land Surveyor in the State of  
Nebraska do hereby certify that the survey represented by this plat was made  
under my personal supervision and checking. I further certify that the survey

and

this plat complies with all applicable rules, regulations, and laws of the State of  
Nebraska.

By: \_\_\_\_\_  
Registered Land Surveyor                      Date

C. Certificate of Approval by the City Council:

This plat is approved by the City Council of the City of Kimball, Nebraska.  
Approval of this plat does not constitute acceptance of any dedication.

Witness my hand and the corporate seal of Kimball, Nebraska this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor, City of Kimball, Nebraska

ATTEST:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Kimball City Clerk

**11.05. Public Hearing & Notification Process:** The City shall conduct the following public hearings and  
provide the following notifications related to requests for subdivisions:

1. The property to be subdivided will be posted according to State Statute.
  2. Notification will be mailed to all property owners within three hundred feet of the proposed subdivision setting forth a description of such subdivision, all scheduled hearing dates and describing the process to accept public comment.
  3. In the event Kimball County adopts zoning & subdivision regulations, the county planning commission shall be given four weeks to review and comment on all plats located beyond the corporate boundary of the City.
- B. The board of education shall be given ten (10) days notice of all proposed subdivisions requiring a public hearing.
  - C. A public hearing will be held by the city planning commission followed by a public hearing held by the city council upon receiving the recommendation of the planning commission regarding all proposed preliminary and final plats not herein exempted.

**11.06. General Guidelines:** General considerations to be used by the Planning Commission and the City Council in evaluating and allowing a proposed subdivision.

1. Demand for the type of uses at the site in question.
2. Effect upon adjacent land uses
3. Potential for traffic congestion or traffic hazards.
4. General suitability of the site in question for the development proposed.
5. The development proposed shall conform to the zoning regulations for the zoning district in which it lies.
6. The development proposed shall be in harmony with the City's Comprehensive Development Plan.
7. The development shall meet the general intent of Section \_\_ of this Ordinance.
8. Each lot in a subdivision shall abut a public street unless otherwise recommended by the Planning Commission and on exception approved by the City Council.
9. All subdivision designs shall indicate that consideration was given for economic aspects of maintenance of safe, convenient, comfortable and attractive community facilities.
10. After the effective date of these regulations, no newly subdivided lot shall have access to an arterial road as such road is indicated in the Comprehensive Plan.

**11.07. Design Guidelines:** Design and improvement considerations to be evaluated by the Planning Commission and City Council for proposed subdivisions.

1. Adequate water and sewer is available.
2. Storm water drainage is adequately controlled.
3. Street names shall have the names of existing streets when they are aligned.
4. Sidewalks shall be constructed within a subdivision where required by the City Council. Sidewalks will be a minimum of four feet in width.
5. Curbs and gutters shall be constructed in accordance with existing City regulations.
6. All electric and communication utility lines, such as telephone and cable T.V., and services and all street lighting circuits shall be installed underground, except for the following:
  - A. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground and street lighting facilities.
  - B. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
  - C. Existing and new overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines.
  - D. It shall not be necessary to remove or replace existing utility facilities used or useful in serving the subdivision.
  - E. Deviations from requirements, other than those listed above, shall be permitted only with the approval of the City Council who shall make such approval only in cases of extreme difficulty.
7. Streets:
  - A. Right-of-way, street grade, and paving design shall be in conformance with minimum standards suggested as approved by the City Engineer.
  - B. Arterial streets and collector streets shall be properly integrated with the existing and proposed system of streets and highways.
  - B. No subdivision shall prevent the extension of arterial and collector streets through and beyond the subdivision in a direction away from the center of a nearby City. The subdivider may plat and design the collector streets not extended on the Comprehensive Plan subject to approval of the Planning Commission.
  - D. Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems;

and

to require the minimum street area necessary to provide safe and convenient access to abutting property.

- E. Cul-de-sac streets designed to have one end permanently closed shall not exceed 600

feet in length and shall be posted as a non-through street. The terminating end of a cul-de-sac shall have a turn-around with a minimum property line radius of 50 feet.

- F. The Planning Commission and City Council may require dedicated passage (alleys) in commercial and industrial districts for off-street loading and service access.
- G. Minor streets shall not be designed for extension beyond the subdivision shown on

the

Preliminary Plat submitted for approval, unless the adjoining land is land locked without road access, or for some other reason access is desired by the Planning Commission or City Council.

H. Curves in Streets -Horizontal and Vertical:

- 1. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- 2. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made.
- 3. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 1/2)

feet

above the pavement surface, to an object four inches high on the pavement. Profiles of all streets, showing natural and finished grades, drawn to an approved scale, may be required.

8. Intersection of Streets:

- A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. On local streets, the "T" intersection is generally preferable to the crossroad intersection.
- C. Arterial Streets shall not be intersected by local streets or alleys.
- D. The number of intersections along community arterials or highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.
- E. Street jogs with center lines offset less than 150 feet shall be avoided.
- F. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 25 feet.

9. Easements:

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- A. Easements across lots or centered on rear or side lot lines shall be provided for where necessary and shall be at least ten (10) feet wide.
- 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 conforming substantially with the lines of such water course, and such further width or construction, or both, as will adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

10. Blocks:

land,

- A. The length, widths, and shapes of blocks shall be suited to the planned use of the zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential

areas

shall not as a general rule be less than 600 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.

- B. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided

near the center and entirely across the block 900 feet or more in length where deemed essential, in the opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

Said pedestrian ways shall be dedicated to the public use unless other written agreement, deed restriction, etc., guarantees maintenance. To the extent practical subdivision design should give high priority to the convenience and safety of the pedestrian.

- B. All utility lines, ie: electric, phone cable TV, Internet, etc. shall be placed underground except where, in the opinion of the Planning Commission, such location is infeasible or too costly. Poles for permitted overhead lines shall be placed in rear lot line easements.

11. Lots:

- A. The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and proper architectural setting for the building contemplated.
- B. Minimum lot dimensions for "Residential" type subdivisions shall conform to the requirements of the City Zoning Regulations.
- C. Where residential lots border a railroad right-of-way the depth of adjacent lots shall be increased by at least 25 feet more than the otherwise required minimum.

**11.08. Required Improvements:** The following subdivision improvement are required by the City of Kimball:

- 1. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the City. The monuments shall be of such material, size, and length as may be approved by the City.
- 2. Utility and Street Improvements:
  - A. Utility and Street right-of-ways shall be provided in each new subdivision in accordance with the various design standards adopted by the City of Kimball. Standards for improvements shall be approved by the City and shall be in accordance with the Comprehensive Plan.
  - B. Each of the following improvements may be required in each subdivision. Actual improvements required shall be negotiated with each subdivider:
    - 1. Curb, gutter, sidewalks and bikepaths or trails.
    - 2. Street grading and paving.
    - 3. Street name signs.
    - 4. Street lights.
    - 5. Paved alleys (when platted)
    - 6. Bridges, culverts or other drainage facilities (when required)
    - 7. Complete public water system.
    - 8. Complete public sewage collection and treatment.
    - 9. Fire hydrants.
    - 10. Other improvements as may be required by the City.
    - 11. Open space and park space.
    - 12. Entrance landscaping.

**11.09. Variances:**

1. The Planning Commission may recommend and the City Council may grant variances from the provision of the regulations in Section 1, but only after determining:
  - A. There are unique circumstances or conditions affecting the property.
  - B. The variance is necessary for the reasonable and acceptable development of the property in question.
  - C. The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
2. The requirement of filing and recording a plat for subdivision shall not be waived.
3. The Planning Commission and City Council may also grant reasonable variances to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development. The subdivider shall indicate where their plans vary from these regulations and shall present sufficient evidence to support their request, indicating why their request will not be detrimental to the public health, safety and welfare.

**11.10. Final Plat Development Requirements:** A proposed subdivision shall be developed in accordance with the approved Final Plat of the subdivision and all supporting data. These plats shall control and limit the use of the land in the subdivision as indicated on the plats.

**11.11. Violation; Penalty.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**11.12. Public Improvements; When Installed.**

- A. All approved subdivisions must be developed with all required public infrastructure within five (5) years of the date of subdivision approval. However, an extension may be requested.
- B. All approved subdivisions must install all required public infrastructure prior to developing any property located within the subdivision. With approval of the City Council the installation of public infrastructure may be completed in city block increments.