

# **PIERCE COUNTY SUBDIVISION REGULATIONS**

## **Article I. TITLE AND PURPOSE**

### **Section 1 Title.**

This Resolution shall be known and may be cited as the Subdivision Regulations for Pierce County, Nebraska.

### **Section 2. Purpose.**

It is the intent and purpose of this Resolution 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 County maintenance expense may be avoided.

## **Article II. DEFINITIONS**

### **Section I.**

For the purpose of this Resolution, 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 County Comprehensive Development Plan of Pierce County, Nebraska, as adopted by the Planning Commission and the Board of County Commissioners 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.

**County:** Shall mean the County of Pierce County, Nebraska.

**County Board:** Shall mean the County Board of Commissioners of Pierce County, Nebraska.

**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 in the State of Nebraska

**Licensed Professional Surveyor:** Shall mean a land surveyor that 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 County Planning Commission of Pierce County, Nebraska.

**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.

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

**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.

**Water Course:** A natural or man-made depression in which a current of surface run-off waters flows.

### **Article III. PROCEDURE FOR SUBMISSION AND APPROVAL**

#### **Section I. Application and Jurisdiction**

**A. Subdivisions; platting; approval of County Board.**

No owner of any real property, located in an unincorporated area, except in an area in which any city or village is exercising subdivision control, shall be permitted to subdivide, plat, or lay out said real property in building lots, streets, or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof of the Pierce County Board. At such time as a city or village exercises such controls over an unincorporated area by adopting or amending subdivision regulations, its regulations shall supersede those of Pierce County.

**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 Pierce County Board. The County Board shall have power, by resolution, 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 Pierce County Board 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 this Resolution and to lay out and dedicate the avenues, streets, and alleys and hard-surfacing thereof in accordance therewith.

**D. Subdivisions; comprehensive plan; standards; County Board prescribe.**

The Pierce County Board has provided for a comprehensive plan for the area within the zoning and subdivision jurisdiction of Pierce County, to be the general plan for the improvement and development of unincorporated areas in the County, and have prescribed standards for laying out subdivisions in harmony with such comprehensive plan.

**E. Utility Connections and Building Permits Prohibited:**

No officer or employee of Pierce County 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 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 Pierce County.

**F. Subdivision Agreement:**

The County Board shall approve no subdivision plat until a subdivision agreement shall have been entered into between the Subdivider and the County. The Subdivider shall have such agreement prepared. 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 Subdivision Agreement.
2. All variances that may be granted shall be included in the Agreement.

## **Section 2. Special Exceptions.**

- A. All subdivisions of land into three or more parcels and replats of lots shall be filed with the County Zoning Administrator and shall be approved by the County Board before the new plat or replat shall be recorded, have any force, or before any title of Ownership is transferred.
- B. The replats or lot splits shall be drawn at a scale of 1" = 200', or other scale approved by the County, 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 Secretary, Zoning Administrator, County Board as attested to by the County Clerk; and a form for the certification signed by the County Surveyor approving the plat.
- C. The replats will be noted to vacate and/or otherwise amend the previous Plat of Record.
- D. Small subdivisions involving the creation of not more than three building lots and do not involve the dedication of a street shall be filed with the County Zoning Administrator and may be approved by the County Board after receiving a recommendation by the Planning Commission and/or County Zoning Administrator without a public hearing.

## **Section 3. Preliminary Plat**

In obtaining approval for a proposed subdivision, the Subdivider shall submit a preliminary plat showing and including data specified in Article V and in accordance with the following procedure:

- A. Before any Subdivider or agent contracts for the sale, for lease hold, or offers to sell any subdivision of land or any part thereof, which is wholly or partly within Pierce County and is not wholly within the corporate limits or extra-territorial jurisdictional limits of a City or Village exercising zoning and subdivision regulations, the Subdivider or his agent shall file a Preliminary Plat of said subdivision with the Pierce County Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission. 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 Subdivider shall be responsible for such conformance.
- C. Procedure for Submission and Approval
  - 1. The Applicant 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 County Planning Commission meeting.
  - 2. Application is made at the office of the Zoning Administrator, who collects fees, as per Section 1.17 of the Zoning Regulation, orders signs to be posted and notices of hearing to be published.
    - a. Applicant shall appear at a regular Planning Commission meeting with preliminary plans for the use of the property and present his request for the platting or replatting of the land. The Applicant 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 Applicant 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 Zoning Administrator, the applicant is responsible for submitting to the following agencies for review and comment, as applicable. The applicant shall submit each copy to the appropriate agency via certified mail and shall provide the Zoning Office 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 Insurance Agency
Septic tanks Sewage treatment facilities	Nebraska Department of Environmental Quality
Potable Water Professional Well Driller test well	Nebraska Department of Health and Human Services
Highway Access Primary highway Secondary highway	Nebraska Department of Roads
Industrial Tracts	Nebraska Department of 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 "N" 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**

***The Pierce County Zoning Office shall notify the following agencies***

**Pierce County Highway Department**

C/o County Clerk  
111 W. Court, Room 1  
Pierce, Nebraska 68767

**The servicing Fire District**

**Pierce County Sheriff's Department**

111 W. Court, Room 7  
Pierce, Nebraska 68767

**All school districts with jurisdiction**

3. The County 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 plats 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 applicant and the other will be filed with the Zoning Office.
6. If the Planning Commission recommends denial or approval, the Zoning Administrator then orders notice of hearing before the County 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 Zoning Administrator also adds the County Board hearing date to the posted signs.

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

- a. Concur with the Planning Commission's recommendation.
  - b. Reverse the Planning Commission's recommendation.
  - 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 an 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 also provides 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 subdivision 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 County Board upon written request by the Subdivider and upon the payment of an additional platting fee equivalent to the original preliminary platting fee.

10. Following the hearing, the Subdivider 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 County Board these changes shall be incorporated in the preparation of the Final Plat. Following the approval of the Planning Commission and the County Board the applicant may proceed with the preparation of the Final Plat.

## **Section 2. Final Plat.**

In obtaining approval for a proposed subdivision, the Subdivider shall submit to the County Board ten (10) copies of the final plat prepared by a registered engineer or Nebraska registered land surveyor, showing and including the data specified by Article VI in accordance with the following procedure:

- A. 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 Subdivider 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 1. After review and consideration by the Planning Commission, the plat shall be submitted with their recommendation to the County Board for final approval and adoption after a public hearing. Prior to said public hearing the County Board shall prepare a notice and cause 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 County Board, the Zoning Administrator 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 County board shall be endorsed thereon by the County Clerk 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 ½" borders to the

County Surveyor. On an Administrative Subdivision the sheet size may be 8 ½" x 14".

One (1) electronic copy stored on a 3 ½" Floppy or CD in an AutoCAD format or other software format specified by the Zoning Administrator

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 County 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 County.
- 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 Home Owner'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 Pierce County Board of Commissioners.

### **Section 3. Short Form Plat: Administrative Subdivision and Lot Split.**

- A. Short form plat general requirements: A short form plat may be allowed by the County for lot splits, adjustment of existing lot lines and minor subdivisions. This provision is not intended to allow for incremental division of larger tracts. The short form will not be allowed where the total area under single ownership would result in more than three (3) parcels, including any remainder of the original parcel or any previous divisions. No development shall be permitted on any parcel not in compliance with the zoning regulations, except for those lawfully non-conforming lots with a residence in existence at the time of adoption of these regulations. A short form plat cannot be used for dedication of right-of-way.
- B. Procedure: Application for a short form shall be submitted to the Zoning Administrator in a form approved by the County including a fee as determined by separate Resolution. Such form, including supplemental information and fees shall be submitted to the Zoning Administrator for further review. The Zoning Administrator shall review the proposed short form for conformity with the Comprehensive Plan and zoning regulations. Should the Zoning Administrator deny such request, the applicant may appeal the decision to the Board of Commissioners. The Zoning Administrator shall forward the application and

other such related information to the Board for their review.

- C. Contents of short form plat: The short form shall be prepared by a licensed professional engineer or surveyor, and drawn in waterproof ink on Mylar material or equivalent acceptable by the County. The page or sheet size shall be at least 8 ½ by 14 inches or a page size and scale otherwise approved by the County. A variation in scale may be allowed where the Zoning Administrator determines it is necessary for a proper exhibit or recording of the subdivision. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets). Linear dimensions shall be given in feet and decimals of a foot. Common access shall be provided where two building sites are proposed or a new building site is collocated with an existing building site under the same ownership unless the Highway Superintendent waives such requirement due to existing physical conditions. The following information shall be shown on the Short Form:
1. Information that the single family dwelling has existed at least three years prior to the application and that it has been lawfully occupied within the last twelve month period and that it has public access approved as to location and design.
  2. The date, north point, and scale of drawing.
  3. The name of the owner and Nebraska licensed professional surveyor or Nebraska licensed professional engineer, including signatures.
  4. All adjoining lots containing 40 acres or less shall be shown on the plat.
  5. Location of driveways, entrances or proposed common access.
  6. Except for lot splits, the location of the subdivision by measured distances to a section corner to define the location and boundaries of the tract which will be subdivided including information necessary to reconstruct the plat on the ground, such as tract boundaries, bearings, curve data, section corner monuments, property corner monuments, etc.
  7. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
  8. Existing Conditions. The following existing conditions shall be shown on the short plat:
    - a. The location, width and names of all existing public or private roads within or adjacent to the tract, together with easements, railroad rights-of-way, and other important features such as section lines and corners, city or village boundary lines and monuments.
    - b. The location and direction of all water courses and areas subject to flooding.
    - c. Existing uses of the property including the location of all existing structures that will remain on the property after the short form is recorded.
    - d. Subject to requirements set by the Zoning Administrator, list adjacent property owners and zoning, uses, commercial, residential, or feeding operations of any size adjacent to the tract.
    - e. Location, elevation and description of the bench mark controlling the

- vertical survey.
  - f. Building setback requirements.
  - g. Show proposed or existing location of wells, septic systems or lagoons and distances in relation to one another. Submit percolation tests according to the State of Nebraska Rules and Regulations or proof the existing system complies with State Law.
9. The short plat shall contain:
- a. Owner's Certificate: A notarized certificate signed and acknowledged by all parties having any record, title, or interest in the land being subdivided, and consenting to the preparation and recording of the said subdivision map.
  - b. SURVEYOR'S CERTIFICATE. A certificate signed by the Nebraska licensed professional surveyor responsible for the survey and final map. The signature of the surveyor shall be accompanied by his seal.
  - c. LEGAL DESCRIPTION. An acceptable metes and bounds legal description which shall accurately identify the boundaries of the subdivision and shall include language to identify any part of the subdivision that is presently being occupied by a public road or other public facility, and shall also include the language "and being subject to any easements, restrictions or covenants of record".
  - d. APPROVAL CERTIFICATES. All short form plats shall contain certificates of approval by the Zoning Administrator or, where appealed, the County Board of Commissioners.

#### **Section 4. Submission to the School Board.**

Prior to any approval on the preliminary plats by the Planning Commission and county 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 5. Professional Assistance.**

The County Board or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats as submitted. At the expense of Developer.

### **Article IV. TENTATIVE PLAT**

#### **Section 1. Tentative Plat Review**

- A. Within seven (7) days after receiving an application for approval of subdivision, the Administrator shall schedule a Pre-submission Consultation to consider and review the application, and shall be available to confer with the Subdivider to develop a mutually acceptable Tentative Plat of the subdivision.

- B. The Tentative Plat shall show the location of the proposed subdivision (vicinity map); including: the proposed plan's relationship to the overall development scheme (master plan for total development), the proposed layout of streets, lots, and other features of the subdivision in relationship to existing conditions/adjacent development, conservation easements, proposed use of land, proposed parks, play grounds, and other public areas. The Tentative Plat may be a freehand sketch made on a map, in scale. The Subdivider shall submit with the Tentative Plat:
1. A statement describing the covenants, and available community facilities and utilities on, and adjacent to, the property to be subdivided;
  2. A statement of proposed protective covenants, if any, and;
  3. A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.
- C. The Zoning Administrator upon receipt of an application shall schedule pre-submission Consultation by a Subdivider. The Pre-submission Consultation shall include the County Engineer, and other County Officials responsible for the administration of these regulations. The Consultation shall include review of the procedural steps, design standards, required improvements, and platting requirements. During such meetings, no commitments shall be made which will be binding upon the County.
- D. If the Subdivider and the Pre-submission members are unable to reach an agreement on the characteristics of the Tentative Plat within thirty (30) days of the date the application was filed; then the Subdivider may appeal to the Planning Commission on a determination of the characteristics of the Tentative Plat, on which the Subdivider and the Pre-submission members have been unable to agree. The Planning Commission shall make such determination at its first regular meeting following the conclusion of the aforesaid thirty- (30) day period. If the Planning Commission disapproves the Tentative Plat, it shall advise the Subdivider in writing of the reasons for disapproval.

## **Section 2. Approval of Tentative Plat**

When a Subdivider has received written approval of a Tentative Plat from the County, then the Subdivider may proceed with the preparation of the preliminary plat.

## **Article V. 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 County, 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 County Comprehensive Development Plan or as approved by the County Board.

## **Article VI. 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 County.
- 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, and that the bond required by Article VIII has been duly furnished to the County.
  - 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 the County Surveyor approving the plat.
  - 19. Certificate for the approval of the Planning Commission to be signed by the Secretary.



20. Certificate for the approval of the County Board to be signed by the Chairman and attested by the County 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 Pierce County.
23. In lieu of final completion of the improvements required herein before approval of the final plat, the Subdivider may post a bond or other security approved by the County Attorney of Pierce County. (Check with County Attorney).
24. All variances granted to the subdivision shall be recorded on the final plat.
25. A copy of Access to County Road Permit signed by the Highway Superintendent

## **Article VII. DESIGN STANDARDS**

### **Section 1. General.**

Land within the proposed subdivision which the County 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 turn-around 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 Width Ft.-Min.	R.O.W. (Feet)	Surfacing Type-Minimum	Lateral Obstacle Cleared-Ft
	Design No.	ADT	DHV								
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.

- H. Where a subdivision borders on or contains a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be 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.
- I. Reserve strips in private ownership controlling access to streets shall be prohibited.
- J. Intersections with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.
- K. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- L. 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.
- M. 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.
- N. 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.
- O. 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.
- P. 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
- Q. No road or street grade shall be less than one-half (0.5) of one (1) percent.

- R. 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.
- S. 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 County 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 County 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 County 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 County 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 County 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 Subdividers 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 County 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 County 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 VIII. IMPROVEMENTS AND STANDARDS**



### **Section 1. General.**

Schedules of improvements shall be prepared by the Subdivider. 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.

### **Section 2. Staking.**

The following described monuments shall be installed before the County Surveyor shall approve the final plat, or in lieu thereof, a performance bond in an amount equal to the cost of doing such work, shall be furnished to County before the County Surveyor shall certify to the Board that required improvements have been satisfactorily arranged for:

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

### **Section 3. Sanitary Sewers.**

The Subdivider when providing the subdivision with a complete sewer system, when applicable, and shall connect with a sanitary sewer outlet approved by the County 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 City 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 in Article VI, hereof, 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 Pierce County before the County Highway Superintendent shall certify to the County Board that 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 County 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 County 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 County for like work. Plans and specifications shall be submitted to the County 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 County 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 County 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 County Board or Public Works Director 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 County Board or Public Works Director. Further, such period may be extended by the County 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 County to complete the installation of the improvements. In addition, the County Board may require additional assessments against the subdivision for the purpose of completing necessary improvements.

### **Section 12.**

If the developer does not comply with Section 11, A, or Section 11, B, hereinabove stated, he/she 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 County Highway Superintendent shall not certify to the County 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. He / She shall execute a written agreement with the County providing:
  - 1. That he/she 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 he/she 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 his lot purchasers, which contract shall be enforceable by the County and by all lot purchases. It is further provided, however, that the Zoning Administrator shall issue no permits for construction of buildings or structures on any lot in said subdivision until said written agreement with the County is executed. It is further provided that the County 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 13.**

It is further provided, however, that after the County 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 IX. 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 County Board upon recommendation of the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interest of the County 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 County 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 X.        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 XI.        FEES**

Refer to Section 1.17 of the Zoning Regulations for all required fees in these regulations.

## **Article XII.       AMENDMENTS**

The County 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 County Board has been held as required by law.

## **Article XIII.      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 XIV. PENALTY**

Any person, firm, co-partnership, association or corporation violating any of the provisions of this chapter shall be guilty of a Class III Misdemeanor. The sale of each and every lot sold in violation of this Chapter shall be considered a separate violation.

## **Article XV. 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 Subdivider and the County. These improvements become permanent features and could be a great financial burden to the Subdivider 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 Subdivider.**

- A. No contract for any public improvements provided for in this section and within the jurisdiction of the County shall be let unless first the County shall have made a detailed study of the costs for the improvements and recommended to the Board to approve the installation of such improvements.
- B. Any Subdivider 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 County 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 Subdivider or 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 Pierce County 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 Subdivider after receiving bids, duly advertised, unless first receiving the approval of the 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 Subdivider shall be required to furnish maintenance bonds on forms required by the County in the full amount of the contract cost for the public improvements as security for the guaranteed maintenance; and the Subdivider shall furnish the county 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 County Zoning Administrator the following to show that the subdivision, land or lot split, or replat conforms to the requirements of the County subdivision regulations:

- A. The County Builder Inspector 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 County Zoning Administrator after reviewing the documents and data submitted for his check, will indicate to the best of his knowledge and with supporting certifications submitted by the Subdivider, may issue a Subdivision Compliance Certificate and inform the Subdivider That he/she may make application for a building permit.

**Article XVI. BUILDING PERMITS**

All Building Permits shall be subject to review by the County Board and at their request may be referred to the County Planning Commission for a hearing and review. No building permits will be issued on unrecorded plats or tracts of land.



**Article XVIII. REPEAL OF CONFLICTING RESOLUTIONS:  
EFFECTIVE DATE**

The Subdivision Regulations for Pierce County, Nebraska, passed by the Pierce County Board of Commissioners on August 7, 2000, together with any subsequent amendments is hereby repealed. Further, all resolutions or parts of resolutions in conflict with these subdivision regulations, or inconsistent with these provisions, are hereby repealed, except any resolutions that impose more restrictive regulations than are imposed herein. These regulations shall be in full force and effect, upon its due passage as required by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_

ATTEST \_\_\_\_\_  
Pierce County Clerk

\_\_\_\_\_  
Chairperson, Board of Commissioners