



# SUBDIVISION ORDINANCE

## ARTICLE THREE PROCEDURES AND ADMINISTRATION

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**301 Purpose**

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

**302 Administrative Subdivisions**

**A. Scope**

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

1. The subdivision adjusts the lot lines of a previously platted parcel of land and creates a maximum of six (6) lots. If six (6) lots have been created by an administrative subdivision, any further subdivision shall be considered a Major Subdivision and shall be subject to the procedures for approval of such subdivisions.
2. The subdivision is served by existing utilities and easements and does not require the extension of streets, utilities, or public improvements.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the Zoning Ordinance and this Subdivision Ordinance concerning minimum areas and dimensions of lots and blocks. Upon request, a subdivision procedure may be approved for existing lots which already do not conform fully to the requirements for minimum areas and dimensions of lots and blocks. (Ord. No. 18-016; 6-18-18)

**B. Application and Approval Procedure**

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

1. The applicant submits an application on a form established by the Building Official and the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action prepared by a Licensed Surveyor showing the previous and proposed new boundaries; provided, that a plat prepared by a Licensed Surveyor shall not be required wherein a portion of one platted lot is added to a portion or all of an adjacent lot or where one platted lot is divided into two (2) parts.
2. The Building Official shall collect a fee, the amount of which shall be determined by the City Council by resolution.
3. Following submission, the Building Official shall review each application according to the following criteria:
  - (a) Compliance with the conditions contained in Section 302(a).
  - (b) Consistency with the Comprehensive Development Plan of the City of Beatrice.

- (c) Potential adverse environmental effects or effects on neighboring properties.
- 4. Following such review, the Building Official shall refer the application for approval in the following order: City Engineer, Manager of the Board of Public Works, City Administrator, Chairperson of the Planning and Zoning Commission, and Mayor. If any party rejects the administrative subdivision, approval of such subdivision is denied. Approval shall be denoted by a signed certificate of approval which must be filed along with the plat with the Register of Deeds of Gage County.
- 5. In the case of a denial, the subdivision may proceed through the appropriate review and action process for a Major Subdivision.
- 6. Following approval of an Administrative Subdivision, the subdivider must file the plat and certificate of approval with the Register of Deeds of Gage County. If the certificate of approval and the approved plat are not filed with the Register of Deeds of Gage County within 90 days of approval, such approval shall be null and void.
- 7. The Building Official shall keep a complete and accurate record of all administrative subdivision approvals.

### **303 Major Subdivisions**

#### **A. Applicability**

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative Subdivision procedures.

#### **B. Stages in the Approval Process**

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

#### **C. Pre-application Procedures**

- 1. Before filing an application for preliminary plat approval, the applicant shall file a written request for a pre-application conference with the Building Official. A pre-application conference with the applicant shall be scheduled within 20 days after the written request is filed if the Building Official deems such conference to be advisable.
- 2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
  - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
  - (b) A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
- 3. Within twenty working days, the Building Official shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan, Zoning Ordinance, and this Subdivision Ordinance.
- 4. The pre-application conference does not require a formal application or payment of a fee.

## **D. Preliminary Plat Application**

### **1. Application Requirements**

After the pre-application conference, if any, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall submit 15 copies of the application for preliminary plat approval to the City Clerk at least twenty calendar days preceding the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Building Official; the supporting documents required for Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council by resolution. The supporting documents shall be drawn at a scale of no smaller than one hundred feet to the inch.

### **2. Draft Subdivision Agreement**

The preliminary plat application shall include a draft of a subdivision agreement prepared by the applicant, following a format established by the Planning and Zoning Commission. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the approximate timing and stages of the installation and the name of the design engineer or firm.

### **3. Preliminary Plat Approval Procedure**

**(a)** After submission of a complete application for a preliminary plat, the Building Official and his/her staff shall review the application. As part of the review, the Building Official will circulate the application to local utilities, the Natural Resources District if deemed necessary, public safety agencies, and any other applicable provider of public services. Each reviewing agency shall submit written comments to the Building Official within a period which he/she establishes.

**(b)** Following the comment period, the Building Official shall provide a recommendation for action to the Planning and Zoning Commission.

**(c)** The Building Official shall notify the board of education in each school district in which the real estate, or some part thereof, to be affected by the preliminary plat lies, of the meeting of the Planning and Zoning Commission at which such plat shall be considered and shall submit a copy of the preliminary plat to the Board of Education at least ten (10) days prior to such meeting. The Building Official shall provide the county planning commission with all available materials on any proposed subdivision plat, contemplating public streets or improvements, for which an application for preliminary plat approval has been filed with the city, when such proposed plat lies partially or totally within the city's extraterritorial subdivision jurisdiction. The county planning commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat; and such review period shall run concurrently with subdivision review activities of the city.

**(d)** The Planning and Zoning Commission may give approval, give conditional approval, or disapprove the preliminary plat. In addition, the Commission may delay action on the application in order to resolve outstanding issues. In the case the plat is disapproved, the subdivider shall be notified of the reasons for such action.

- (e) Approval of a preliminary plat by the Planning and Zoning Commission shall not constitute approval of a final plat but is merely an authorization to proceed with preparation of the final plat.
- (f) The preliminary plat approval shall stay in force for a period of six months from the date of approval by the Planning and Zoning Commission. The Planning and Zoning Commission also may grant extensions to the effective period of a preliminary plat approval.
- (g) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents less than 25% of the total number of lots in the entire approved preliminary plat with a minimum of ten lots and provided that the amount of land to be included in later phases exceeds 10 acres. The initial phase of the final plat must be submitted according to the effective dates established in subsection (f) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the Planning and Zoning Commission.

**E. Final Plat Application Process**

**1. Application Requirements**

The applicant shall prepare and submit an application for final plat approval within six months of the preliminary plat approval, unless an extension has been granted by the Planning and Zoning Commission. The applicant shall submit 15 copies of the application for final plat approval to the Building Official at least one week prior to the regular Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Building Official; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council by resolution.

**2. Form of final plat**

All final plats shall be drawn on mylar, the sheet size of which shall be twenty-two (22) inches by twenty-six (26) inches. The final plat shall have a one-half inch border on the top, bottom, and right sides and a 1 ½ inch border on the left side of such final plat. The final plat shall be to a scale no smaller than one hundred (100) feet to the inch. The final plat shall show a dedication of all streets, public highways, alleys, parks, easements, and other land intended for public use, signed by the owner or owners and their spouses, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions which are to apply to the lots.

**3. Final Subdivision Agreement**

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat. Such final subdivision agreement must be in a form satisfactory to the City Attorney of the City prior to approval by the City Council of the City. 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 water treatment, and open space requirements. The agreement shall set forth the division of

costs where the City is involved in cost-sharing for over-sized pipe and shall contain an estimate of those costs.

The agreement shall delineate any variances granted pursuant to Section 304 and specify the time scheduled for installation of improvements which are temporarily deferred in accordance with said section.

**4. Performance Bond; Other Guarantees**

The subdivision agreement shall specify the amount of the performance bond and other guarantees for public improvements to be filed within 15 days after approval of the final plat by the City Council, or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond and other guarantees, if required, must be presented in a form satisfactory to the City Attorney within 15 days after approval of the final plat by the City Council.

**5. Final Plat Approval**

**(a)** The Planning and Zoning Commission shall review the final plat and shall, within a reasonable time, act on the plat. Planning and Zoning Commission action shall be expressed by a recommendation of approval or disapproval to the City Council. If disapproval is recommended, the Planning and Zoning Commission shall state their reasons. After the Planning and Zoning Commission recommendation has been made, the final plat shall be forwarded to the City Council.

**(b)** The City Council shall take final action on the application. The City Council is further empowered to grant variances from sections of the Subdivision Ordinance pursuant to the standards and procedures established in Section 304.

**(c)** Upon acceptance by the City Council of a Final Plat, all property pins shall be installed by the developer's Licensed Surveyor, within thirty (30) days after completion of required public improvements. The property pins shall be a minimum of one-half (1/2) inch by twenty-four (24) inch steel rod.

**F. Filing the Final Plat**

**1.** Following City Council approval of a final plat, the Chairperson of the Planning and Zoning Commission, the Mayor of the City of Beatrice, and the City Engineer of City shall sign certificates of approval, which shall be a part of the reproducible mylars of the subdivision plat required with submission of the final plat.

**2.** The subdivider must file the plat along with all applicable covenants and other documents with the Register of Deeds of Gage County within 60 days of the execution of the plat by the Chairperson of the Planning and Zoning Commission and the Mayor. Approval of the final plat shall become null and void sixty days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds of Gage County. It shall be the responsibility of the subdivider to furnish the Building Official with documentation of compliance within the sixty (60) day period. Thirty-day extensions may be granted by the City Council upon written request of the subdivider and submittal of the fee established by the City Council by resolution.

(Ord. No. 02-01 Sec. 1, 1-7-02)

## **304 Variances**

### **A. Conditions for Variances**

1. The Planning and Zoning Commission may recommend and the City Council may grant variances from the provisions of this Subdivision Ordinance only after determining that:
  - (a) the property has unique characteristics that prevent full compliance with the regulations;
  - (b) the variance is necessary for the reasonable and acceptable development of the property in question; and
  - (c) the granting of the variance will not be detrimental to the public welfare or adversely affect adjacent property.
2. In no case shall the requirement for filing and recording a plat for a subdivision be waived.

### **B. Planned Unit Developments**

The Planning and Zoning Commission may recommend and the City Council may grant variances to these regulations for projects developed under the Planned Unit Development overlay district. The subdivider shall indicate areas of variance from these regulations and demonstrate that the variance request will not be detrimental to the public welfare or adversely affect adjacent property.

**TABLE 3:1 – APPLICATION REQUIREMENTS**

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
<b>PLAT INFORMATION</b>			
Name, address of owner, applicant, and other persons with an interest in or encumbrance on the land to be platted.	X	X	X
Name, signature, license number, and address of engineer, or land surveyor, as applicable, involved in preparation of plat.	X	X	X
Title block, denoting type of application, legal description, and general location.	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, city limits, and other features within 1/4 mile of subdivision boundary.		X	X
Present and proposed zoning.		X	
North arrow, date, and graphic scale	X	X	X
Proof that taxes and special assessments are current	X	X	
Signature blocks for Planning Commission Chairman, Manager of Board of Public Works, City Administrator, City Engineer, and Mayor	X		
Signature blocks for Planning Commission Chairman, Mayor and City Engineer		X	X
Appropriate certification blocks	X	X	X
Monumentation			X
Metes and bounds description, including dimensions, bearings, curb data, tangent length, radii, arcs, chords, and central angles for all centerlines and ROW's, and center line curves on streets.			X

**TABLE 3:1 – APPLICATION REQUIREMENTS (con't.)**

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
<b>PLAT INFORMATION</b>			
Acreage of tract	X	X	X
Date of original and all revisions	X	X	X
Dimensioning of setbacks		X	X
Location, dimensions, and names of existing and proposed streets and alleys and dedication of proposed streets and alleys	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet	X	X	X
Copy of any existing or proposed deed restrictions or covenants			X
Existing and proposed easements or land reserved for or dedicated to public use and dedication of proposed easements and land reserved for or dedicated to public use	X	X	X
Staging plan		X	X
Payment of application fees	X	X	X
<b>ENVIRONMENTAL INFORMATION</b>			
Property owners and lines within 200 feet		X	
All existing streets, water courses, floodplains, wetlands, wooded areas and major trees, or other environmentally sensitive features within 200 feet		X	X
Existing ROW's and easements within 200 feet		X	X
Topography at five foot contours		X	X
Existing site drainage system	X	X	X
Drainage calculations and perc tests		X	X

**TABLE 3:1 – APPLICATION REQUIREMENTS (con't.)**

	ADMINISTRATIVE SUBDIVISION	MAJOR SUBDIVISION	
		Preliminary	Final
<b>ENVIRONMENTAL INFORMATION</b>			
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.		General	Detailed
Spot and finished elevations at all property corners			X
Construction details as required			X
Road and paving cross-sections		X	X
Proposed street names		X	X
New block and lot numbers		X	X
Parcel numbers	X		
Lighting plan and details			X
Pedestrian circulation patterns and sidewalk or trail locations		X	X
Certifications and seals from licensed Professional Engineer, as required by Ordinance			X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources)		X	X
Draft subdivision agreement		X	
Final subdivision agreement			X