

BENNINGTON, NE

Subdivision Regulations

Ordinance No. 460
Adopted June 9, 2018
As Amended by Ordinance No. 521 on August 14, 2023



ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

Section 1 Name and Citation of Titles.

These regulations shall be known, referred to and cited as Subdivision Regulations of Bennington, Nebraska.

Section 2 Purpose.

The purpose of these regulations is to provide for the orderly development of Bennington and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety and convenience of the community.

Section 3 Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:

APPLICANT. Shall be the title holder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.

ALLEY. A public thoroughfare which affords only secondary access to property abutting thereon.

BLOCK. A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.

BOND. Any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by these regulations.

BUILDING SETBACK LINE. The minimum distance as prescribed by the City's Zoning Regulations between any property line and the closest point of the building line or face of any building or structure related thereto.

BUILDING INSPECTOR. Building Inspector of the City of Bennington, or designee.

CITY. The City of Bennington, Nebraska. Also, City Council.

CITY COUNCIL. The City Council for the City of Bennington, Nebraska.

CITY ENGINEER. The City Engineer of the City of Bennington retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City.

CLERK. City Clerk of the City of Bennington, Nebraska.

COMPREHENSIVE PLAN. The master plan for the improvement and development of Bennington, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of Bennington.

CUL-DE-SAC. A short public way with one end open to traffic and the other end terminated by a vehicular turn-around.

DEAD END STREET. A public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

DEDICATION. The intentional appropriation of land by the owner to some public use.

DEVELOPER. See Subdivider.

EASEMENT. A right to use a parcel of land, granted to the general public, utility, corporation, or person(s) for a specific purpose or purposes.

FLOOD PLAIN. Flood Plain shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.

FLOODWAY. The cross-sectional area or channel of a stream or river with the capacity needed to hydrologically convey the flood flows produced by a 100 year frequency storm.

FRONTAGE ROAD. Minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

IMPROVEMENTS. Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, trails water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, stormwater facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.

LOT. A parcel, tract or area of land created in conformance with these regulations, that may be separately owned, used, developed or built upon.

LOT, CORNER. A lot located at the intersection of two (2) or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets.

LOT, FLAG. Flag lots, being those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.

LOT FRONTAGE. That portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

LOT, INTERIOR. A lot other than a corner lot which has frontage on one street only.

LOT LINE. The boundary line of a lot.

LOT, MINIMUM AREA. The minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

LOT, NONCONFORMING. A lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

LOT, PLATTED. A lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Douglas County.

LOT OF RECORD. A lot which is both part of a subdivision recorded in the office of the Register of Deeds for Douglas County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of these regulations.

LOT, THROUGH. A lot other than a corner lot fronting on more than one (1) street.

LOT, WIDTH OF. The minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street (such as on a cul-de-sac), on a pie shaped lot or on a corner lot; in which case, the minimum lot width shall be measured along the front building line using the front yard setback distance of the principal use structure extended to both lot property lines.

MASTER PLAN. See Comprehensive Plan.

MONUMENT. An identification marker established by a certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

PLANNING COMMISSION. The Planning Commission of Bennington, Nebraska.

PLAT. A map which 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 The final version of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

PLAT, PRELIMINARY. The preliminary version of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

SIDEWALK OR WALKWAY. That portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.

STREET. 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 properties including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in these regulations.

STREET, ARTERIAL. A street that provides for a network of continuous routes without stub connections and with limited at-grade access. The main purpose is to connect urbanized areas and focus on movement of traffic as the primary function, not necessarily localized access.

STREET, COLLECTOR. A street that gathers traffic from local streets and provides access and traffic circulation within and between residential, commercial, and industrial areas. Collectors do not typically accommodate long through trips and are not continuous for long distances.

STREET, CUL-DE-SAC. See Cul-De-Sac.

STREET, FRONTAGE. A road that parallels a highway or arterial street but separated by a dividing strip or grass area and its purpose is to provide access to adjacent properties that is not allowed from the highway or arterial street.

STREET, LOCAL. A road used primarily for service to abutting property.

STREET, LOOP. A road that is continuous without intersecting streets and having its two outlets connected to the same street.

STREET, PRIVATE shall mean a road that is not owned or maintained by the City.

SUBDIVIDER. Any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION. The division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.

ZONING DISTRICT. An area delineated on the Official Zoning Map for which uniform use regulations are specified.

ZONING ORDINANCE. The Zoning Ordinance and/or the Zoning Regulations of the City of Bennington as amended from time to time.

ARTICLE 2: GENERAL PROVISIONS

Section 1 General Provisions; Purpose.

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the City and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

Section 2 General Provisions; Jurisdiction.

The provisions of these regulations shall apply to all land located within the legal boundaries of the City, as the same may be amended by subsequent annexation, and shall also include all land lying within the City's designated extraterritorial zoning jurisdiction.

Section 3 General Provisions; Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat.' 19-916 et. seq. (Reissue 2022) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the State of Nebraska, any County, the City, or any City incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. 19-916 (Reissue 2022).

Section 4 Applicability.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of these regulations, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from these regulations. Further, these regulations shall be minimum regulations which shall apply uniformly throughout the City's designated extraterritorial zoning jurisdiction, except as hereinafter provided.

Section 5 General Provisions; Interpretation.

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 6 General Provisions; Conflict.

No final plat of land within the force and effect of the existing Zoning Regulations shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 7 General Provisions; Zoning Permits.

Unless a tract shall have been platted in accordance with the provisions of these regulations, no zoning permit shall be issued.

Section 8 General Provisions; Amendments.

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the City Council; provided, however, that such amendments shall not become effective until after a study by the Planning Commission; and a public hearing in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation at least one (1) time, ten (10) days prior to such hearing.

Section 9 General Provisions; Modifications.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Council, after report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; Provided, however that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of these regulations; and will not interfere with carrying out the Comprehensive Plan of the Planning Area of the City. The standards and requirements of these regulations may be modified by the City Council after report by the Planning Commission in the case of a planned development or a redevelopment project involving the resubdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

ARTICLE 3: PROCEDURES

Section 1 Procedure for Filing Pre-Application Plans And Data.

Pre-Application Plans and Data: Prior to the filing of an application for approval of a preliminary plat the subdivider shall submit to City Staff plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

- A. The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- B. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, City Staff will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of these regulations.

Section 2 Procedure for Approval of Preliminary Plat.

- A. Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Bennington or which is within the designated extraterritorial zoning jurisdiction of the City of Bennington or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat of said subdivision with the Bennington 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 grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Planning Commission shall determine whether the 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 and in conformity with the Comprehensive Plan.
- B. All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- C. Three (3) hard copies (no smaller than 11" x 17" and no larger than 24" x 36" paper) and an electronic copy on a memory stick of the Preliminary Plat and required supplementary material as specified in Section 3 of these regulations shall be submitted to the City Clerk at least twenty-eight (28) days prior to the meeting at which it is to be considered. The Clerk shall distribute one (1) digital file copy of the Preliminary Plat with a request for comments within twenty-one (21) days to each of the following: City Engineer, School Board, Fire District, City Police Department, County Sherriff, Douglas County Surveyor/Engineer, if located outside the corporate limits, and wherever else deemed necessary by the Planning Commission.

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- D. The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a newspaper of general circulation in Bennington, Nebraska, and will
- (1) review the preliminary plat and other material submitted for conformity thereof to these regulations; and
 - (2) review any recommendations of the City Engineer, School Board, Fire Department, Police Department, Douglas County and other Agencies; and
 - (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him.
- The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved or tabled, shall state its reasons therefor.
- E. 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.
- F. If the Planning Commission recommends disapproval or approval, then the Clerk will order notice of hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the hearing in a paper of general circulation. The City Council may
- (a) Concur with the Planning Commission's recommendation;
 - (b) Reverse the Planning Commission's recommendation; or
 - (c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission.
- G. 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. Approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval.

Section 3 Preliminary Plat Specifications.

The Preliminary plat shall be drawn to a scale of one (1") inch to one hundred (100') feet; shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

- A. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- B. The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.
- C. The proposed names and addresses of the owner and subdivider, the engineer, surveyor, or landscape architect responsible for the subdivision layout, and the names of all landowners abutting the proposed subdivision.
- D. The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.
- E. Width and location of platted streets and alleys within or adjacent to the property; physical features of the property, including location of water courses, ravines,

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- bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five (5) feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer; and the outline of wooded areas (the location of important individual trees may be required).
- F. The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
 - G. The location and width of proposed streets, easements, building setback lines, rights-of-ways, pavement width and type, sidewalks, trails, alleys, location of all proposed improvements including: sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by these regulations.
 - H. The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
 - I. A sanitary and improvement district boundary drawing (for subdivisions proposing to use sanitary and improvement district (SID) financing). All lots and outlots of the proposed subdivision are required and shall be within the SID, and the only limited and restricted exceptions and exclusions will be for lots for schools or other government entity facilities.
 - J. Financial data showing the source and use of funds for the costs of public improvements.
 - K. The subdivider or subdividers representative shall be in attendance at the City Planning Commission meeting and the City Council meeting when the Preliminary Plat is discussed.
 - L. The following shall be delivered to the City with the application for review:
 - 1. A sanitary sewer plan with direction of flow arrows and connection point to existing sanitary sewer system.
 - 2. A water main plan.
 - 3. A storm drainage plan, within the subdivision.
 - 4. A street layout and profile plan with a statement of proposed street improvements.
 - 5. Grading, erosion control and post construction stormwater plan(s).
 - 6. Phasing plans, if appropriate.
 - 7. A trail and sidewalk plan.
 - 8. If necessary, a traffic impact study.
 - 9. If necessary, any environmental or historical reports
 - M. The Preliminary Plat and all submitted plans, maps, and drawings shall include a north point and shall be orientated with north to the top or to the right.
 - N. Approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval by the City Council, if no Final Plat has been filed or a Final Plat of previously proposed phases has not been filed, unless an extension of approval has been granted by the City Council which shall not exceed twelve (12) months.

Section 4 Procedure for Approval of Final Plat.

- A. 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 time.
- B. The Final Plat shall be submitted to the Planning Commission for approval at least twenty-eight (28) days prior to the meeting at which it is to be considered.
- C. One (1) reproducible copy, three (3) copies of the original, and one (1) electronic copy on a memory stick shall be prepared as specified in these regulations. The electronic copy shall be both a PDF version and a CADD version (using current version of AutoCad).
- D. Upon approval of the Final Plat, a certification of approval by the City Council shall be endorsed thereon by the City Clerk, and the original shall be filed with the Douglas County Clerk, the reproducible copy with the City Clerk, and the two (2) copies of the original with the Planning Commission.
- E. The Final Approval by the City Council shall be acted upon after receiving the recommendation of the Planning Commission together with a letter from the City Engineer stating that the subdivider has complied with the requirements of these regulations.
- F. The Final Plat shall become void if not filed and recorded with the Register of Deeds within one (1) year of the City Council's approval. An extension for filing and recording the Final Plat may, but is not required to be, granted by the City Council, not to exceed sixty (60) days.

Section 5 Final Plat and Required Specifications.

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered engineer or registered land surveyor for recording purposes and shall submit:

- A. Final Plat, in conformance with the approved preliminary plat, shall include:
 - 1. Name of subdivision.
 - 2. Date, north arrow (which shall be orientated to the top or to the right side), and graphic scale.
 - 3. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards For Surveys", as established by the Professional Surveyors Association of Nebraska.
 - 4. Adjacent subdivisions, streets, alleys and easements, with their widths and names.
 - 5. Names and widths of the streets, and block and lot numbers.
 - 6. Location of lots, streets, public highways, alleys and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
 - 7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an

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- iron pipe or iron rod, with a minimal diameter of 5/8 inch and minimal length of 24 inches.
 8. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes.
 9. A certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
 10. A signature block for the approval of the Planning Commission.
 11. A signature block for the approval of the City Council to be signed by the City Council chair and attested to by the City Clerk.
 12. A legal description of the perimeter of the subdivision.
 13. A signature block for Acknowledgment by a Notary.
 14. A signature block for Certificate of the County Register of Deeds.
 15. The Final Plat and all submitted plans, maps, and drawings shall include a north arrow and shall be orientated with north to the top or to the right.
- B. Upon action of the Planning Commission, the Final Plat shall then be submitted to the City Council at their regular meeting for approval and adoption prior to the start of construction, at a public hearing published and posted with notice at least ten (10) days prior to the hearing in a paper of general circulation.

Section 6 Required Agreements and Subdivider Actions for the City to Release Final Plats for Recording.

After the City Council approves the Final Plat, the following agreements and subdivider actions must be properly completed, finalized, and executed before the City will release the Final Plat for recording by the subdivider.

- A. Payments to the City of all required fees.
- B. Four (4) originals of the required subdivision agreement must be executed by the subdivider and the sanitary and improvement district (if applicable) and delivered to the City Attorney.
 1. The City Attorney will draft the required subdivision agreement and will provide such draft to the subdivider for review and comments.
 2. The required exhibits for the subdivision agreement are to be provided by the subdivider's engineer to the City Engineer and the City Attorney for their review and approval. The required exhibits are generally the final plat, sanitary and improvement district drawing per Section 3(I) of Article 3 of these regulations, paving plan, sanitary sewer plan, storm sewer and drainage plan, post-construction stormwater plan, sidewalk plan, and trail plan. Exhibits shall not be combined (e.g., a combined sidewalk and trail plan instead of a separate sidewalk plan and a separate trail plan).
 3. The required subdivision agreement is a required condition for the City's approval of the final plat.
- C. Four (4) originals of the required agreement for interceptor connection and wastewater service must be executed by the subdivider and/or the sanitary and improvement district (as applicable) and delivered to the City Attorney.

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1. The City Attorney will draft the required agreement for interceptor connection and wastewater service and will provide such draft to the subdivider for review and comments.
 2. The required agreement for interceptor connection and wastewater service is a required condition for the City's approval of the final plat.
- D. Four (4) originals of the required maintenance agreement between the City, the subdivider, the sanitary and improvement district, and the homeowners/lot owners association (as applicable) must be executed by all parties thereto and delivered to the City Attorney.
1. The City Attorney will draft the required maintenance agreement and will provide such draft to the subdivider for review and comments.
 2. The required maintenance agreement is a required condition for the City's approval of the final plat.
- E. Proposed drafts of the articles of incorporation, bylaws, and declaration of covenants for the homeowners/lot owners association, must be presented to the City Attorney for review, revisions, and approval as so revised.
1. The proposed draft articles of incorporation, bylaws, and declaration of covenants must all incorporate the provisions of the subdivision agreement and the maintenance agreement and the provisions of Section 23 of Article 4 of these regulations, regarding the association's duties and obligations to permanently and continuously own, operate, manage, maintain, and repair the outlots, all other common areas, decorative street lights, subdivision signs, entrance signs, fencing, landscaping, general obligation sidewalks and outlot sidewalks, trails, any recreational features or amenities on outlots or common areas, and the post-construction stormwater water quality basins and appurtenances.
 2. The proposed draft articles of incorporation, bylaws, and declaration of covenants must provide that such shall not be amended or terminated regarding the maintenance agreement with the City or regarding the association's permanent and continuous obligations and duties as set forth in the immediately preceding Subsection 6(E)(1) of Article 3 of these regulations, without the advance written approval of the City, and that the association shall also not be dissolved, without the advance written approval of the City, which advance written approvals of the City shall only be provided if another proper entity as approved by the City assumes full responsibility for the maintenance agreement with the City and assumes the permanent and continuous ownership and maintenance responsibilities for the association's outlots and other common areas.
 3. The requirements of this Subsection 6(E) of Article 3 of these regulations are required conditions for the City's approval of the final plat.

Section 7 Vacation of Plat of Record.

- A. Conditions: A subdivider may make application to the Planning Commission to vacate any plat of record under the following conditions:
1. The plat to be vacated is a legal plat of record.

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2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
 3. Vacation of the subdivision will not be contrary to the Comprehensive Plan or Zoning Ordinance.
- B. Procedures: The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Douglas County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

Section 8 Replats/Small Tract Subdivision.

Whenever a subdivision or replat of a parcel consists of four (4) or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats and consider and take action thereon concurrently, so as to expedite the subdivision review process if, in the judgement and written recommendation of the City Engineer, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Such Concurrent Plats shall:

- A. Be discussed with City Staff at a scheduled preapplication conference, as set out in Section 1 of this Article;
- B. Be submitted to the City Clerk at least twenty-eight (28) days prior to the next regular meeting of the Planning Commission at which request is to be heard;
- C. Be accompanied by the applications fees and completed application forms as required;
- D. Follow the procedure set forth for herein and contain the required information for Preliminary and Final Plats in conformance with Sections 3 and 5;
- E. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems;
Exceptions: Drainage reports shall not be required for the following:
 1. Subdivision of existing tax lots that are primarily developed;
 2. Subdivision of a farmstead that creates not more than two (2) lots and allows for the split of the main residence from the remaining farmstead.
 3. Acreages where lots are not less than one (1) acre in size.
- F. Changes required by the Planning Commission shall be made prior to submission to City Council.
- G. A final plat, in conformance with Section 5, shall be submitted to the City Council for review and a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the public hearing.

Section 9 Administrative Plats

- A. The intent of this Section is to provide for lots splits, lot combinations, and boundary adjustments which result in lots divided or combined into not more than

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- four (4) resulting lots without having to re-plat said lots, provided that the resulting lots shall not again be divided without re-platting (per Sections 2 thru 5). City Staff shall review the administrative plat application.
- B. Requests for an administrative plat approval shall be made by the owner or a designated representative of the land to the City. One reproducible copy and three (3) paper copies with an electronic copy on a memory stick of a land survey of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, consolidated, or adjusted, three (3) paper copies and one electronic (pdf) of a survey of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed plat shall accompany the application. The electronic copy shall be both a PDF version and a CADD version (using current version of AutoCad) . The administrative plat shall include the following:
1. A survey of the lot(s),
 2. Location and setbacks of all existing structures(s),
 3. Location and dimensions of the proposed administrative plat,
 4. Owners Certification
 5. A signature block for Acknowledgment by Notary,
 6. A signature block for Surveyors Certification,
 7. A signature block for Certificate of County Register of Deeds,
 8. A signature block of review from the Douglas County Engineer/Surveyor,
 9. A signature block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land,
 10. A signature block for the approval of the City Clerk,
 11. A signature block for the approval of the City Engineer.
- C. Disapproval of an administrative plat shall be based on the following guidelines:
1. A new street or alley is needed or proposed.
 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc., or will interfere with maintaining existing service levels.
 4. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 5. All easement requirements have not been satisfied.
 6. Such action taken during an administrative plat will result in a tract without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
 8. The lot has been previously split via this administrative platting process.

-
- D. No administrative plat shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the requirements concerning minimum areas and dimensions of such lots.
 - E. Application will be made to the City for review and approval by appropriate City Staff. City Staff shall, in writing, either approve, with or without conditions, or disapprove, with reasons therefor, the administrative plat within sixty (60) days of application. If City Staff does not act within sixty (60) days, the administrative plat shall be deemed to have received a favorable recommendation in all respects and the plat shall be filed with the Register of Deeds.
 - F. Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
 - G. The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.
 - H. After approval from the City, all mylars must be certified by all applicable parties and two copies filed with the City prior to the issuance of a building permit.

ARTICLE 4: DESIGN STANDARDS

Section 1 Minimum Design Standards.

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the Comprehensive Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Plan and Master Park Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the Planning Commission has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission that would eliminate or substantially reduce such hazards.

The Planning Commission may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Plan and issue proper extension of future roads and services.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit and the preliminary plat shall show, a logical future street and utility system and logical resubdivision.

Section 2 Design Standards; Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least twenty-five (25) feet or other approved design.

Section 3 Design Standards; Companion Easements

In order to promote on-site management of surface drainage or other public dedications, a developer may propose the use of companion easements in lieu of a portion of the required right-of-way for local or collector streets. Such easements shall be for utilities or other public purposes and shall be allowed in proportion to dedicated areas. Such easements may be authorized by the City Council where:

- A. The proposed subdivision contains sufficient area and design that approval of the option will not create a potential problem in the construction of streets,
- B. Where areas for storm drainage control or public purpose are dedicated by easement or where a homeowners association is created and approved to provide perpetual maintenance of such common areas or where the City accepts dedication to the public,
- C. The required rights-of-way are of sufficient width to accommodate future traffic needs consistent with the recommendations of the Comprehensive Plan and the standards set forth herein.

Section 4 Design Standards; Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule A to these regulations. Access to lots located on arterials shall be approved by the City.

Frontage roads or marginal access streets shall be required by the Planning Commission for subdivisions fronting on arterial streets where possible. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 5 Design Standards; Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. Dedication of one-half (1/2) of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

Section 6 Design Standards; Intersections.

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Commission may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than

nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of right-of-way or such arterial street.

Section 7 Minimum Design Standards; Curves in Streets; Horizontal and Vertical.

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in Schedule A to these regulations.

Section 8 Design Standards; Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than five tenths (0.5' / 100') of one percent. Minimum grades for gutters and ditches shall be five tenths (0.5' / 100') of one percent. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not serve to increase flood elevations more than one foot (1') within the floodplain areas. Street grades shall conform to the requirements provided in Schedule A to these regulations.

Section 9 Design Standards; Frontage Roads.

Where a subdivision fronts on or contains an existing or proposed arterial street or state highway, the Planning Commission shall require frontage roads in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street/highway frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street/highway and to protect and preserve the safety and traffic handling capabilities of the arterial street/highway.

Frontage roads shall be required by the Planning Commission for subdivisions fronting on arterial streets or state highways. If lots back up to the arterial street/highway and such lots have access other than the arterial street/highway frontage a frontage road may not be required.

Section 10 Design Standards; Street Jogs.

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

Section 11 Design Standards; Cul-de-sac Streets.

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet and shall provide a turnaround having a radius at the outside of the

pavement of at least fifty (50) feet and a radius at the right-of-way of at least sixty-five (65) feet. Alternative designs for temporary turn-arounds may be approved by the City.

Section 12 Design Standards; Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Council prior to such names being assigned or used.

Section 13 Design Standards; Private Streets and Reserve Strips.

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and City Council as an exception to the terms of these regulations. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 14 Design Standards; Sidewalks & Trails.

Sidewalks shall be provided on both sides of all streets. The sidewalks shall be five (5) feet wide with a cross-slope of 1.5%, including through driveways. The recommended set back from the curb is 6.5 feet but can be adjusted based on the development needs. Curb ramps shall be provided at all street intersections. Trails shall be provided where designated on the Master Park and Trail Plan at the width specified in the plan. If no width is provided, ten (10) feet shall be the standard width.

Section 15 Design Standards; Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages, and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed six hundred (600) feet. Pedestrian easements ten (10) feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for pedestrian circulation.

Section 16 Design Standards; Lots.

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall be developed to channel surface drainage to lot lines and not across adjacent properties. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of a public street or approved private street. Side lot lines shall be substantially at right angles or radial to street lines.

Section 17 Design Standards; Through (Double Frontage) Lots.

Double frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets/highways or to overcome specific

disadvantages of topography. Where such lots are used in relation to an arterial street/highway, a landscape screen easement of at least ten (10) feet in width shall be provided along the line of lots abutting such arterial street or state highway and the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 18 Design Standards; Easements.

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen (16) feet in width - eight feet each side of lot line. A minimum of a ten (10) foot, five (5) foot on each side of a side yard setback line shall be allowed in those zoning districts that require only a five (5) foot side yard.

Where a subdivision is traversed by a water course, 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 as will be adequate for the purpose of retaining the water handling capacity of the water course.

Section 19 Design Standards: Stormwater Runoff and Storm Sewer System.

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed the pre-development runoff rate at any time following post development. The ten (10) year and 100-year storm events shall be reviewed in the drainage study. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops or existing improvements.

In determining the size or type of storm sewer system 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. Please also see Article 5, Section 7 for drainage system design requirements.

Section 20 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

Section 21 Design Standards; Conformance with Other Regulations.

No final plat of land within the City or its designated extraterritorial zoning jurisdiction shall be approved unless it conforms with existing zoning regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in other regulations the highest or most restrictive standard shall govern.

Section 22 City Requirements: Sanitary Sewer Lift Stations and Force Main Systems.

The topography and existing sanitary sewer system of the City and its designated extraterritorial zoning jurisdiction are generally suitable for gravity sanitary sewer systems to serve all new proposed subdivisions and developments, and therefore sanitary sewer lift stations and force main systems are not preferred unless no other options are available. Developer shall provide justification showing options considered and the reasoning they would not work. Extra or higher costs to construct a gravity sewer system are not a consideration. Please refer to the City of Bennington Comprehensive Plan (2018), Section 4.3 and Map 6 for more information.

Provided, however, that in the event that a sanitary sewer lift station and/or force main system is absolutely required (with supposed extra or higher costs to construct a gravity sewer system not being a consideration), then such may be approved by the City but it shall be required to be permanently and continuously owned, operated, managed, maintained, and repaired by the required homeowners or lot owners association, at the sole cost and expense of such association, and such shall not be owned, operated managed, maintained, or repaired by the sanitary and improvement district or the City, and the City shall not assume ownership or any responsibilities therefor upon annexation.

Section 23 City Requirements: Outlots.

So that the City does not unnecessarily inherit numerous and various outlots with future annexations, and so that the property owners and residents who benefit from and are serviced by their own local outlots are also responsible therefor, all outlots in all newly platted subdivisions and developments shall be required to be permanently and continuously owned, operated, managed, maintained, and repaired by the required homeowners or lot owners association, plus including the permanent and continuous operation, management, maintenance, and repair of all other common areas, decorative street lights, subdivision signs, entrance signs, fencing, landscaping, general obligation sidewalks and outlot sidewalks, trails, any recreational features or amenities on outlots or common areas, and the post-construction stormwater water basins or other retention features and appurtenances. The foregoing shall be incorporated into and made a part of the required subdivision agreement, the maintenance agreement, and the articles of incorporation, bylaws and declaration of covenants for the homeowners/lot owners association, per the provisions and requirements of Section 6 of Article 3 of these regulations.

Section 24 City Requirements: SID Boundaries.

For subdivisions proposing to use sanitary and improvement district (SID) financing, all lots and outlots of the proposed subdivision are required and shall be within the SID, and the only limited and restricted exceptions and exclusions will be for lots for schools or other government entity facilities.

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 1 Required Improvements; General.

The subdivider shall design and construct improvements using standards not less than the standards outlined in these regulations. All such plans shall be approved by the City Engineer.

The work shall be done under the supervision and inspection of the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environment and Energy shall be the minimum standards required thereof.

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 2 Required Improvements; Monuments and Markers.

Monuments and markers placement shall be as follows:

Concrete monuments shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

Section 3 Required Improvements; Monument Construction.

Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

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.

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 inches (24). When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, 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 thereto.

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 City Council.

Section 4 Required Improvements; Street Grading and Construction.

All streets shall be graded to a minimum fifteen (15) feet back of the curb or edge of pavement and to within six (6) inches of the street grade established in the approved final plat construction plans and specifications.

Designs shall conform to the requirements of the Nebraska Minimum Design Standards (as published by NDOT) and Schedule A to these regulations. Higher design standards may be required by the Planning Commission and City Council to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the Planning Commission in accordance with the terms of these regulations.

Section 5 Required Improvements; Street Signs and Lighting and Electrical Power.

At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District or subsequent providers and/or City Engineer.

New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.

Section 6 Required Improvements; Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision.

Section 7 Required Improvements; Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. Culverts shall be constructed and installed whenever necessary as determined by the Planning Commission to provide adequate drainage in accordance with recommendations of the City Engineer. In addition, the subdivider shall submit, unless specifically waived by the Planning Commission, a drainage report prepared by a registered professional

engineer or surveyor as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be provided with the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

- A. The preliminary plat report shall include:
1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision.
 2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
 3. A preliminary grading plan illustrating proposed drainage management including any storm water detention.
- B. The final plat drainage report shall contain:
1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
 2. Quantities of flow at each pick-up point.
 3. Estimates and type of temporary erosion control measures necessary to control erosion during construction. Types of permanent erosion control measures necessary to control erosion over the life of the improvement shall also be included.
 4. A description of an adequate drainage system (storm sewer system of pipes and inlets) within the subdivision and its design capacities based on a ten (10) year storm. Sizing and location of any required storm water detention shall be provided as per Article 4, Section 19).
- C. Drainage Requirements. The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers determined to be necessary by the Planning Commission upon recommendation of the City Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Engineer.
- D. Drainage System Standards. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches.

Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.

All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.

All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 1 Dedication.

As a condition of final plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and City Council. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

Such provisions shall also provide for agreement of the property owners that if the City is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 2 Reservation and Dedication of Public Land and Open Space.

Before preliminary or final plat approval is given, the Planning Commission and City Council may require the subdivider to reserve sites for parks, playgrounds, open space, trails, schools, and other public land consistent with the Comprehensive Plan, as determined by the Planning Commission and City Council. Reservation of land for public acquisition and/or use shall be for a period not to exceed two (2) years from the date the plat is officially recorded unless otherwise provided for in these regulations. If such reserved site is not acquired by the City or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site.

Where a park, playground, school, trail or other site for public use indicated in the Comprehensive Plan is located in whole or in part in the applicant's subdivision the Planning Commission and City Council may require the immediate acquisition, reservation or accept the dedication of such area. Please refer to Map 3 of the City of Bennington Comprehensive Plan (2018) for more information.

ARTICLE 7: WAIVERS, ANNEXATIONS, AMENDMENTS

Section 1 Granting of Waivers (Exceptions) and Conditions.

In addition to the exceptions contained in these regulations, the Planning Commission may recommend and the City Council may grant waivers from the provisions of these regulations, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Provided, however, that the provisions and requirements set forth in Section 6 of Article 3 and in Sections 22, 23, and 24 of Article 4 of these regulations, regarding the required agreements and subdivider actions for the City to release the final plat, sanitary sewer lift stations and force main systems, outlots, and sanitary and improvement district boundaries, are not subject to waivers pursuant to this Section 1 of Article 7 and no subdivider application or request for a waiver regarding such shall be accepted or acted upon by the City.

Section 2 Cluster Developments/Mixed Use.

The Planning Commission and City Council may also grant reasonable waivers to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a cluster development/mixed use per Section 5.15 of the Zoning Regulations. The subdivider shall indicate where the plans vary from the requirements of these regulations and shall present evidence to support such requests.

Section 3 Subdivision; Annexation of Adjoining or Contiguous Properties.

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the City for all purposes whatsoever, upon approval of and acceptance by the City Council.

Section 4 Subdivision; Petition for Annexation.

Any subdivision in which there are lands dedicated to the City or any subdivision serviced by public utilities and immediately adjacent to the corporate limits may be annexed to the City, if prior to approval for the final plat is given by the City Council a petition for annexation from the owners of the subdivided properties is received and approved by the City Council.

Section 5 Amendments.

Any provision of these regulations from time to time may be amended, supplemented, changed, modified or repealed by the City Council according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 8: ADMINISTRATION/ENFORCEMENT

Section 1 General.

The following apply towards administration of these regulations.

1. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
2. No owner, or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed for record with Douglas County Register of Deeds.
3. The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 2 Fees for Parks and Open Spaces.

To aid the acquisition of parks and open spaces as needed or as indicated in the Comprehensive Plan, each residential subdivider shall either dedicate land for parks and facilities and/or pay a park fee in-lieu of such dedications, as provided in the Park Land Dedication/Fee provisions of the City's Parks and Recreational Master Plan adopted by Ordinance No. 378 in May 2008, as amended by Ordinance No. 423 in June 2014, and as may be amended hereafter.

Section 3 Amendments.

Any provision of these regulations may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the City Council.

Section 4 Violation/Penalties.

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) plus the cost of prosecution for each violation, and in default of payment of such fine and costs, imprisonment in the county jail until payment thereof, for a period not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

SCHEDULE A: MINIMUM STREET STANDARDS

Street Classifications	Minimum Right-of-Way (ft.)	Pavement Width (ft.)	Minimum Number of Traffic Lanes *	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC)
Arterial Street	100'	36'	2	6	700	400'
Collector Street	80'	32'	2	10	300	300'
Local Street	60'	27'	2	10	200	200'
Cul-De-Sac and Loop Street	60'	27'	2	10 (average)	100	300'
Marginal Access (Frontage Road) (No Parking)	50'	25'	2	8	100	300'
Private Streets (No Parking)	50'	25'	2	10	100	200'

1. Pavement width measured back to back of curb.
 2. Minimum right-of-way radius for the cul-de-sac turnaround shall be sixty-five (65) feet minimum pavement radius for the cul-de-sac turnaround shall be fifty (50) feet.
 3. Subdivider shall not be responsible for providing improvements wider than thirty-two (32) feet at its expense.
 4. (VC) - Vertical Curve of road.
- * Additional lanes may be required based on a traffic study for the proposed development/area.

SCHEDULE B: CERTIFICATION AND DEDICATION STATEMENTS

SURVEYORS CERTIFICATION:

I, _____ hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on _____, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

(signature)

(seal)

CITY APPROVALS:

This plat of _____ has been submitted to and approved by the Bennington Planning Commission this _____ day of _____ 20____.

Chair, Planning Commission

This plat of _____ was approved by the City Council of Bennington, Nebraska, this day of _____, 20____.

Mayor, City of Bennington

ATTEST:

City Clerk

COUNTY REGISTERER OF DEEDS

The appropriate space shall be reserved at the top of the plat per Douglas County Register of Deeds current standards for recording of the plat.

