

SUBDIVISION REGULATIONS

FOR DAKOTA COUNTY, NEBRASKA

Prepared for: **Dakota County, Nebraska**

By: **Dakota County Joint Planning Commission
Dakota County Board of Commissioners**

With Assistance from: **Siouxland Interstate Metropolitan Planning Council (SIMPCO)**

Sioux City, Iowa

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TABLE OF CONTENTS

PREAMBLE

ARTICLE 1. GENERAL PROVISIONS

SECTION 101. TITLE..... 1
SECTION 102. JURISDICTION 1
SECTION 103. PURPOSES AND OBJECTIVES OF THE RESOLUTION 1

ARTICLE 2. APPLICATION OF REGULATION

SECTION 201. GENERAL..... 1
SECTION 202. APPLICABILITY 1
SECTION 203. PROVISIONS OF RESOLUTION DECLARED
TO BE MINIMUM REQUIREMENTS 2

ARTICLE 3. CONSTRUCTION AND DEFINITIONS

SECTION 301. CONSTRUCTION 2
SECTION 302. GENERAL TERMINOLOGY 2
SECTION 303. DEFINITIONS 3

ARTICLE 4. PLAT REVIEW AND SUBMITTAL REQUIREMENTS

SECTION 401. PREAPPLICATION PROCEDURE 13
SECTION 402. FEES..... 13
SECTION 403. PROCEDURE FOR CONDITIONAL APPROVAL OF
PRELIMINARY PLAT 13
SECTION 404. PROCEDURE FOR APPROVAL OF FINAL PLAT 15
SECTION 405. REVIEW OF MUNICIPAL PLATS 17
SECTION 406. PROFESSIONAL ASSISTANCE 18
SECTION 407. RESPONSIBLE COUNTY OFFICIAL 18

ARTICLE 5. SUBDIVISION DESIGN STANDARDS

SECTION 501. GENERAL REQUIREMENTS..... 18
SECTION 502. STREETS..... 18
SECTION 503. PROHIBITATION OF CUL-DE-SACS..... 21
SECTION 504. BLOCKS 21
SECTION 505. LOTS 21
SECTION 506. FLOOD HAZARDS..... 22
SECTION 507. OFF STREET LOADING AND PARKING
FACILITIES 22
SECTION 508. EASEMENTS 23
SECTION 509. COMMUNITY ASSETS 23
SECTION 510. CONFORMANCE WITH OTHER REGULATIONS 23
SECTION 511. RESERVATION AND DEDICATION OF
PUBLIC LAND AND OPEN SPACE..... 23

ARTICLE 6. REQUIRED SUBDIVISION IMPROVEMENTS

SECTION 601. GENERAL REQUIREMENTS..... 23
SECTION 602. MONUMENTS, MARKERS AND PINS 24
SECTION 603. STREETS..... 24
SECTION 604. SIDEWALKS 25
SECTION 605. DRIVEWAYS 25
SECTION 606. STREETS AND WALKWAY LIGHTING 25
SECTION 607. STREET TREES 25
SECTION 608. UTILITY AND DRAINABLE FACILITIES 25
SECTION 609. SHARED IMPROVEMENT COSTS 28
SECTION 610. SUBDIVISION IMPROVEMENT GUARANTEES 29
SECTION 611. OPERATION AND MAINTENANCE..... 31

ARTICLE 7. VARIANCES

SECTION 701. GRANTING OF VARIANCES; CONDITIONS..... 32
SECTION 702. RECORDING OF PLAT 32
SECTION 703. PLANNED DEVELOPMENT 32
SECTION 704. WAIVER FOR SMALL SUBDIVISIONS 32

ARTICLE 8. AMENDMENTS..... 33

ARTICLE 9. REPEALS 33

ARTICLE 10. SEVERABILITY 33

SCHEDULES

SCHEDULE A: MINIMUM STREET STANDARDS 34

SCHEDULE B: REQUIRED SUBDIVISION IMPROVEMENTS 35

**RESOLUTION ADOPTING THE DAKOTA
COUNTY SUBDIVISION RESOLUTION**

A RESOLUTION ESTABLISHING SUBDIVISION REGULATIONS REGULATING THE SUBDIVISION OF LAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE: ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS: PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS IN APPLYING THESE RULES, REGULATIONS AND STANDARDS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AND FOR THE REPEAL OF ALL SUBDIVISION DEVELOPMENT RESOLUTIONS IN CONFLICT HEREWITH; FOR THE COUNTY OF DAKOTA, NEBRASKA

WHEREAS, Sections 23-373 to 23-377, Reissue Revised Statutes of 1943 (in full) empowers the County to enact a subdivision resolution and to provide for its administration, enforcement and amendment, and

WHEREAS, Section 16-902 Reissue Revised Statutes of 1943 (in full) provided for the review of subdivision plats within the extraterritorial jurisdiction of municipalities, and

WHEREAS, the County Board of Commissioners deems it necessary for the purpose of promoting the health, safety, morals, and the general welfare of the County to enact such a resolution, and

WHEREAS, land subdivision determines to a great extent how well the County will be able to deal with traffic circulation problems and the demand for homesites, and how efficiently it will be able to provide the many services demanded of it, and

WHEREAS, once land has been subdivided and publicly recorded, it is extremely difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided, and

WHEREAS, the guidance of land development in harmony with County objectives is a matter of serious public concern and community welfare, and

WHEREAS, it is in the interest of the public, the developer, and future landowners that subdivisions be conceived, designed, and developed in accordance with sound minimum standards, and

WHEREAS, the Dakota County Board of Commissioners have established a Joint Planning Commission, under an agreement by the said municipality with the County Board pursuant to Section 23-114 and 19-901 through 19-914, Reissue Revised Statutes of 1943 (in full), and

WHEREAS, the Joint Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the County Board of Commissioners, and

WHEREAS, the County Board of Commissioners has given due public notice of hearings relating to proposed subdivision plats, regulations and restrictions, and has held such public hearings, and

WHEREAS, the County Board deems it necessary for the purpose of promoting the health, safety, morals or the general welfare of the County; of providing for the harmonious development and coordinated layout for the subdivided area; for the proper arrangements of streets; for adequate and convenient open spaces for traffic utilities, recreation, light, air, and access of fire fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot area; for adequate sanitary facilities; and for reducing flood damage potentials to the greatest extent possible; and

WHEREAS, all requirements of Sections 23-114.01 to 23-114.02, 23-2004, Reissue Revised Statutes of 1943 (in full), with regard to the preparation of the report of the Joint Planning Commission and subsequent action of the Dakota County Board of Commissioners have been met:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF DAKOTA COUNTY, NEBRASKA

ARTICLE 1. GENERAL PROVISIONS

SECTION 101. TITLE

This Resolution may be known and may be cited and referenced to as “The Subdivision Regulation Resolution of Dakota County, Nebraska” to the same effect as if the full title were stated.

SECTION 102. JURISDICTION

The provisions of this Resolution shall apply within the planning jurisdiction of the unincorporated territory of Dakota County., Nebraska, as established on the map entitled “The Official Zoning Map of Dakota County, Nebraska”.

SECTION 103. PURPOSES AND OBJECTIVES OF THE RESOLUTION

The Subdivision Regulation Resolution is adapted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically the Subdivision Regulation Resolution is adopted in order to insure that new development resulting in land subdivision in the County shall conform to minimum development practices and standards. Further, it is intended that such land subdivision shall result in properly coordinated design and construction of lots, blocks, streets, utilities, public facilities, and other community assets.

ARTICLE 2. APPLICATION OF REGULATIONS

SECTION 201. GENERAL

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Resolution, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Further, the regulations set forth by this Resolution shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this Resolution except as hereinafter provided.

SECTION 202. APPLICABILITY

- (1) Each separate principal use building within the Planning Jurisdiction of the County shall be situated on a separate and single subdivided lot of record unless otherwise provided in the Zoning Regulations for Dakota County, Nebraska.
- (2) No subdivision of land shall be permitted within the County Planning Jurisdiction unless a plat is approved in accordance with provisions of these Regulations.
- (3) These Regulations shall apply not only to subdivision as herein set forth but shall also apply, in so far as payment of costs for improvement of subdivisions is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.

- (4) These Regulations shall not apply to subdivision of burial lots in cemeteries.
- (5) These Regulations shall not apply to a division of land into lots or parcels of ten (10) acres or more and not involving a new street.
- (6) These Regulations shall not apply to the development of residential lots based on exceptions allowed pursuant to Section 500.4, Part 7, of the Agricultural Zoning District of the Dakota County Zoning Resolution, provided no new streets or public property result from the subdivision of said lots.

SECTION 203. PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Resolution require or impose higher standards than are required in any other Resolution, the provisions of this Resolution shall govern. Wherever the provisions of any other Resolution require or impose higher standards than are required by the provisions of this Resolution, the provisions of such Resolution shall govern.

ARTICLE 3. CONSTRUCTION AND DEFINITIONS

SECTION 301. CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Resolution.

- 301.01 TENSE: Words used in the present tense include the future tense.
- 301.02 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.
- 301.03 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.
- 301.04 GENDER: The masculine shall include the feminine and neuter.
- 301.05 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Resolution and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 302. GENERAL TERMINOLOGY

The word "county" shall mean the County of Dakota County, Nebraska. The word "county board" shall mean the board of commissioners of the County of Dakota. The words "planning commission" shall mean the Dakota County Joint Planning Commission

duly appointed by the county and the participating municipalities.

SECTION 303. DEFINITIONS

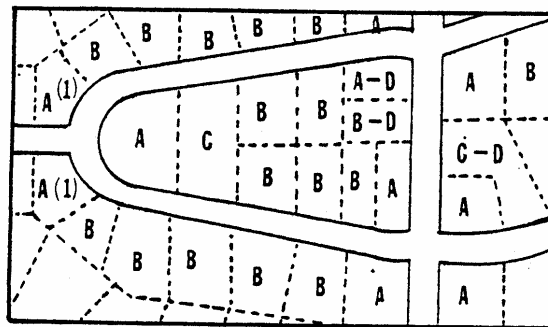
303.01 TEXT OF DEFINITIONS: Words or terms not herein defined shall have their ordinary meaning in relation to the context.

For the purposes of this Resolution, certain words and terms used herein are defined as follows:

- (1) ALLEY: See Thoroughfare
- (2) BUILDING LINE: See Setback Line
- (3) COLLECTOR STREET: See Thoroughfare
- (4) COMMON OPEN SPACE: An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- (5) COMMON SEWER SYSTEM: A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.
- (6) COMMON WATER SYSTEM: A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.
- (7) COMPREHENSIVE PLAN: The plan or series of plans for the future development of the county and which has been officially adopted by the county board of commissioners in accordance with state law.
- (8) CORNER LOT: See Lot Corner
- (9) COUNTY HIGHWAY SUPERINTENDENT: See Highway Superintendent, County
- (10) CUL-DE-SAC: See Thoroughfare. Also see Section 503. Prohibition of Cul-De-Sacs.
- (11) CULVERT: A transverse drain that channels under a bridge, street, or driveway.

- (12) DEAD-END STREET: See Thoroughfare.
- (13) DEVELOPER: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.
- (14) DISTRICT: See Zone or District.
- (15) DWELLING: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.
- (16) EASEMENT: Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose or purposes.
- (17) ENGINEER: Any person registered to practice professional engineering by the State Board of Registration who is designated by the County to approve portions of proposed subdivisions.
- (18) FLOODWAY: The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance, reduction outside the channel from the two sides of the flood plain. Also referred to as the Selected Floodway.
- (19) FLOODWAY-COMMISSION: See Floodway Fringe
- (20) FLOODWAY FRINGE: That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in anyone year). Also referred to as the Commission Floodway.
- (21) FLOODWAY-SELECT: See Floodway
- (22) FRONTAGE: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
- (23) GOVERNING BODY: The Dakota County Board of County Commissioners.
- (24) IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
- (25) LOCATION MAP: See Vicinity Map.

- (26) LOOP STREET: See Thoroughfare.
- (27) LOT: For purpose of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records; a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Resolution.
- (28) LOT DEPTH: Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (29) LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this article.
- (30) LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.
- (31) LOT WIDTH: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, or on loop streets, where the eighty (80) percent requirement shall not apply.
- (32) LOT CORNER: Indicated as A in the diagram, a corner lot is defined as a lot at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A in the diagram.



LOT DEFINITIONS

- (33) LOT, INTERIOR: Indicated as B in the above diagram, an interior lot is defined as a lot other than a corner lot with only one frontage on a street.
- (34) LOT, THROUGH: Indicated as C in the above diagram, a through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as a double frontage lot.
- (35) LOT, REVERSED FRONTAGE: Indicated as D in the above diagram, a reversed frontage line is defined as a lot in which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).
- (36) LOT, ZONING: A parcel or tract or land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
- (37) MAJOR THOROUGHFARE PLAN: The comprehensive plan adopted by the County Board indicating the general location recommended for arterial, collector, and local thoroughfares within the planning jurisdiction of the County.
- (38) MONUMENTS: Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines corners, and points of change in street alignment.
- (39) OPEN SPACE: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.
- (40) OUT LOT: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.
- (41) PARKING SPACE, OFF-STREET: For the purpose of this Resolution an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked without moving another.

- (42) PEDESTRIAN WAYS: Is a tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.
- (43) PLANNED DEVELOPMENT: Special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Zoning Regulation and as approved by the County Board.
- (44) PLAT: The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the County Planning Commission for approval, and after such approval, to the county recorder (final) for recording.
- (45) PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
- (46) RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- (47) SETBACK LINE: A line established by the subdivision regulations and/or zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards).
- (48) SEWERS, CENTRAL OR GROUP: See Common Sewer System
- (49) SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- (50) SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See "Walkway".
- (51) SUBDIVIDER: See Developer
- (52) SUBDIVISION:
 - 1. The division of any parcel of land shown as a unit or as contiguous on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of

which is less than ten (10) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than ten (10) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(53) **SUBDIVISION DESIGN CLASSIFICATIONS:** Two subdivision classifications which establish minimum design criteria and required improvements for all subdivisions in the County. The classifications are defined as follows:

A. **CLASS I SUBDIVISION:** Rural low density subdivisions which include:

1. All residential subdivisions in the following zoning districts as defined in the Zoning Resolution for Dakota County, Nebraska.

AG Agricultural
AR Agricultural-Residential

2. Residential subdivisions in the following zoning districts as defined in the zoning resolution for Dakota County, Nebraska, provided that the minimum lot size shall be two (2) acres in area or larger.

R-10 Residential 10,000 square foot zone
B Business
HSB Highway Service Business
LM Light Manufacturing
HM Heavy Manufacturing
RC Recreation Facility

B. **CLASS II SUBDIVISION:** Suburban type subdivisions regardless of their location in rural Dakota County, which include:

1. Industrial subdivisions
2. Commercial subdivisions
3. Residential subdivisions in the following zoning districts as defined in the

zoning resolution for Dakota County, Nebraska, which contain one (1) or more lots of less than two (2) acres in area.

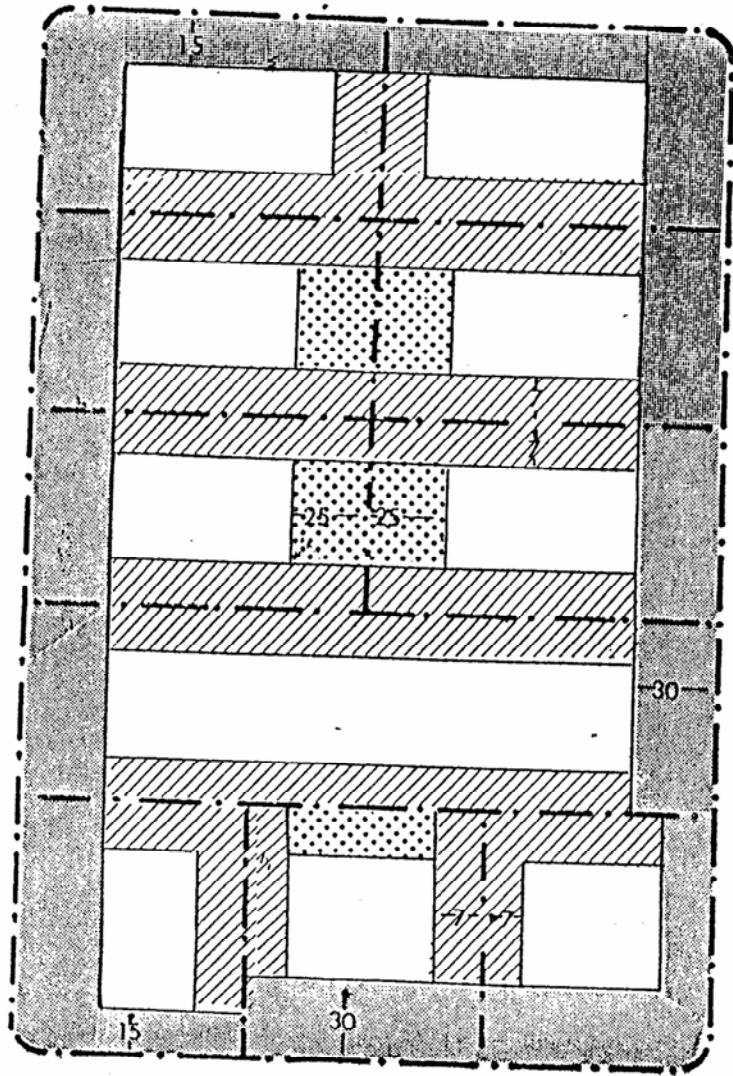
R-10 Residential, 10,000 square foot zone
RC Recreational Facility

- (54) **STREET LINE:** A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.
- (55) **SURVEYOR:** Any person registered to practice surveying.
- (56) **THOROUGHFARE, STREET, OR ROAD:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
 - A. **ALLEY:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.
 - B. **ARTERIAL STREET:** A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.
 - C. **COLLECTOR STREET:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - D. **CUL-DE-SAC:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. (The use of cul-de-sacs is prohibited by Section 503 of this Regulation.
 - E. **DEAD-END STREET:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
 - F. **LOCAL STREET:** A street primarily for providing access to residential, commercial, or other abutting property.
 - G. **LOOP STREET:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, normally more than six hundred (600) feet from each other.
 - H. **MARGINAL ACCESS STREET:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

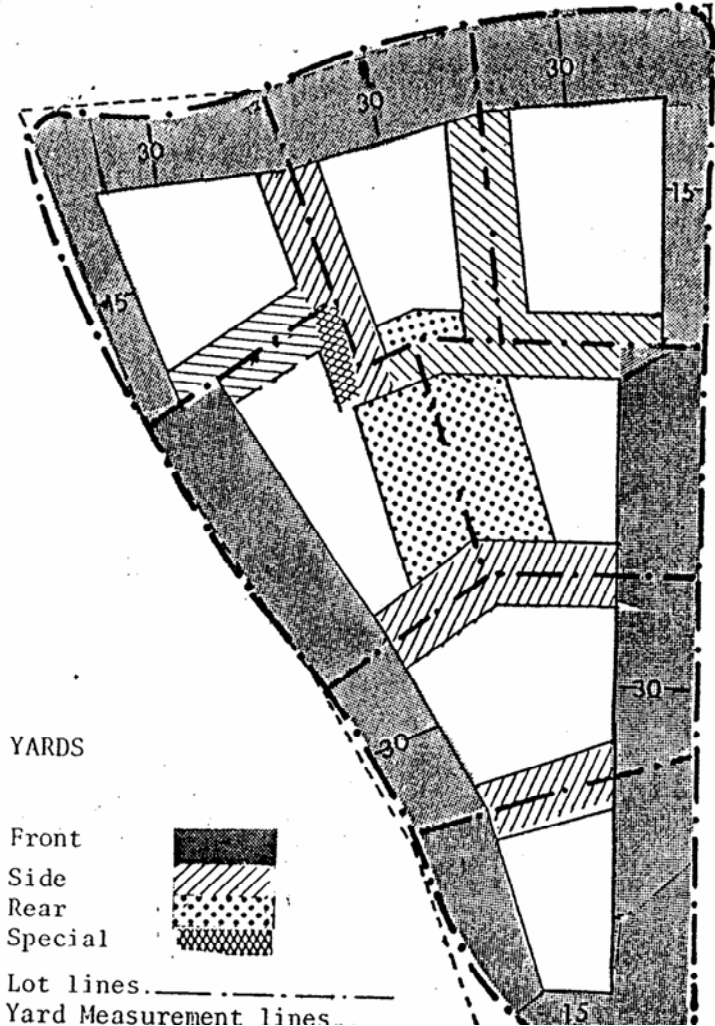
- (57) THROUQH LOT: See Lot, Through.
- (58) VARIANCE: A variance is a relaxation of the terms of the Subdivision Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship.
- (59) VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Dakota County, Nebraska in order to better locate and orient the area in question.
- (60) WALKWAY: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.
- (61) WATER, CENTRAL OR GROUP: See Common Water System.
- (62) YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility and subject to the district regulations of any zoning regulations.
- A. YARD, FRONT: A yard extending between side lot lines across the front lot line to the front of the principal building.
- B. YARD, REAR: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. YARD, SIDE: A yard extending from the principal building to the side lot line on both sides or the principal building between the line establishing the front and rear yards.
- D. YARD, SPECIAL: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies.
- (63) ZONE OR DISTRICT: A section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are established.

- (64) **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Dakota County Board of Commissioners having jurisdiction to administer the requirements of these subdivision regulations.
- (65) **ZONING AREA:** The area subject to the provisions of Zoning and Subdivision regulations as set out on the Official Zoning Map of Dakota County, Nebraska.

LOCATION AND MEASUREMENTS OF YARDS ON LOTS

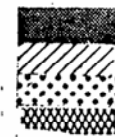


ON LOTS



YARDS

Front
Side
Rear
Special



Lot lines. — — — — —
Yard Measurement lines. — — — — —

The illustration here assumes front yard depths required at 30 feet (half-depth front yards 15 feet), side yard widths 7 feet and rear yard depths 25 feet. Note that at A, a special yard is shown indicating treatment where usual side or rear yard terminology would be difficult to apply, but purpose of the yard is clear.

ARTICLE 4. PLAT REVIEW AND SUBMITTAL REQUIREMENTS

SECTION 401. PRE-APPLICATION PROCEDURE

- 401.01 **PRE-APPLICATION CONFERENCE:** Before filing a preliminary plat the subdivider shall consult with the Planning Commission and/or its staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.
- 401.02 **NOTIFICATION OF REQUIREMENTS:** The Planning Commission and/or its staff shall inform the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations and of fees and professional service required during the review and approval process.

SECTION 402. FEES

A plat review fee shall be charged for the review of the preliminary plat. Fees for this service shall be set by the County Board of Commissioners and payable to the county general fund when the preliminary plat is officially filed with the Office of the Zoning Administrator. A fee schedule shall be available from the Zoning Administrator's office. Fees are not limited to but may include administrative cost, review cost, and fees paid to a registered professional engineer for the purpose of insuring minimum compliance with this regulation.

SECTION 403. PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

- 403.01 **PLAT SUBMISSION REQUIREMENTS:** The subdivider shall submit to the Zoning Administrator five (5) copies of the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur at least twenty-one (21) days prior to the regular meeting of the Planning Commission at which the request will be heard.
- 403.02 **SCALE AND PRELIMINARY PLAT CONTENTS:** Preliminary plats for class I subdivisions shall be at a scale of one (1) inch equal to two hundred (200) feet (1 to 2,400) or at an appropriate scale as directed by the County Planning Commission.
- Preliminary plats for class II subdivisions shall be at a scale of one (1) inch equal to one hundred (100) feet (1 to 1,200), or at a suitable scale as agreed upon at the preapplication conference and as directed by the Planning Commission. The following information shall be included on all preliminary plats:
- (1) Name, location, acreage, owner and designer of the subdivision.
 - (2) Present zoning.

- (3) Date, north point, and graphic scale.
- (4) Location of property lines, roads, streets, existing utilities with size of lines, and other underground installations and easements.
- (5) Names of adjoining property owners or subdivisions.
- (6) Proposed utility system (type, capacity and the location of major transmission lines and treatment plants).
- (7) Names of new streets.
- (8) Dimensions, lot lines, and building setbacks; except that in “industrial” type subdivisions, lot lines may be excluded.
- (9) Location of proposed culvert retention ponds and other drainage provisions.
- (10) Contours at the following intervals:
 - a Class I subdivisions at intervals of street or as specified by the County Planning Commission.
 - b Class II subdivisions at intervals of two (2) feet.
- (11) Proposed improvement and grading concepts.
- (12) Natural drainage pattern, including creeks, rivers, and marshes.
- (13) Location of existing buildings.
- (14) At the discretion of the Planning Commission the location of existing trees with trunks at least six (6) inches in diameter measured two (2) feet above the ground level shall be noted on plats submitted for class II subdivisions. Clumps of trees may be identified as a tree group without precisely locating each tree. The need for this information will be established at the preapplication conference and it will be a requirement officially waived by the commission.
- (15) Proposed easements, dedications, and reservations of land required shall be provided.

403.04 NOTIFICATION OF IMPROVEMENTS SCHEDULE: The subdivider shall indicate by a letter when improvements as required will be provided. Any proposed restrictive covenants for the land involved shall accompany the letter.

403.05 NOTIFICATION OF SCHOOL BOARD: At least ten days prior to the Planning Commission meeting at which the Preliminary Plat is to be considered for approval, the

Planning Commission shall submit a copy of the proposal to the school board of each school district which the proposed development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

- 403.06 **PLANNING COMMISSION APPROVAL/REJECTION:** After review of the preliminary plan and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat within forty (40) days after the official meeting at which the plat was considered. Two extensions of up to forty (40) days each may be granted by the Planning Commission for its own convenience or that of the developer. The maximum review period shall not exceed one hundred twenty (120) days.
- 403.07 **RECORDING OF ACTION BY PLANNING COMMISSION:** The action of the Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy relayed to the County Board, and one copy retained by the Planning Commission
- 403.08 **APPROVAL IS CONDITIONAL:** Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval or conditional approval of the submitted plat as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and County Board. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

SECTION 404. PROCEDURE FOR APPROVAL OF FINAL PLAT

- 404.01 **PLAT SUBMISSION REQUIREMENTS:** Final plats shall be submitted to the Zoning Administrator within one (1) year of approval of the preliminary plat unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable Resolutions and state laws; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year submission requirement.
- 404.02 **SCALE AND FINAL PLAT CONTENTS:** The original and five (5) copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on tracing cloth, mylar, or similar material, and shall be at a scale of one (1) inch to two hundred (200) feet or larger, or at a suitable scale agreed to by the County Planning Commission.

The final plat shall show the following:

- (1) Date, title, name and location of subdivision.

- (2) Streets and street names, lots, setback lines, lot numbers.
- (3) Graphic scale and true north point.
- (4) Monuments.
- (5) Dimensions, angles and bearings, and complete legal description of the property.
- (6) Sufficient engineering data to reproduce any line on the ground.
- (7) Names of adjoining property owners and/or subdivisions.
- (8) Location, dimensions, and purpose of any easements.
- (9) Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- (10) Certification by surveyor or engineering certifying to accuracy of survey and plat.
- (11) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- (12) Certification recording the approval by the Planning Commission.
- (13) Certification recording the approval by the County Board and the acceptance of any dedications.

404.03 SUPPLEMENTARY DATA REQUIRED: The final plat shall be accompanied by:

- (1) Detailed construction plans of all required public improvements, said plans to be approved by the County Board of Commissioners.
- (2) A certificate by an engineer certifying that the subdivider has complied with all provisions of SECTION 601 of these Regulations; or, certifying that all required improvements have been installed in accordance with the approval of the preliminary plat by the Planning Commission.
- (3) Protective covenants in form for recording.

404.04 PLANNING COMMISSION RECOMMENDATIONS: The Planning Commission shall approve or reject the final plat and have prepared a recommendation to the County Board recommending approval or rejection. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or the County Board shall be given the subdivider within eighty (80) days after submission of the final plat to the Planning Commission.

SECTION 405. REVIEW OF MUNICIPAL PLATS

405.01 REVIEW OF RURAL SUBDIVISIONS WITHIN THE JURISDICTION OF A MUNICIPALITY: The County Planning Commission shall review subdivisions located wholly or partially within the extraterritorial jurisdiction of a municipality in accordance with Section 16-902 (2) Revised Reissued Statutes of Nebraska, 1943.

405.02 REVIEW PROCEDURES: The following procedures will be used in reviewing rural subdivisions under municipal jurisdictions:

- (1) One (1) copy of all preliminary subdivision review material filed with the city or village is filed with the County Zoning Administrator. As a minimum this shall include a preliminary plat of the proposed subdivision and information on location, ownership, required improvements and schedules for development.
- (2) The Zoning Administrator puts the review of the subdivision on the Planning Commission agenda.
- (3) The Planning Commission, County Board of Commissioners, County Highway Superintendent, fire chief of the fire district in which the subdivision is located, Mayor or Village Board Chairman of the municipality having jurisdiction, and the developer are contacted regarding the time and date on which the subdivision will be reviewed.
- (4) The Planning Commission reviews the subdivision and makes a recommendation regarding the appropriateness of design and improvements proposed in the plat.
- (5) Comments approved by the Planning Commission are provided to the chief elected official of the municipality having jurisdiction, the chairman of the Municipal Planning Commission, the Chairman of the County Board of Commissioners, and the developer.
- (6) The County Board may review the proposed subdivision and after considering the Planning Commission's comments make its own recommendation to the municipality having jurisdiction.

405.03 REVIEW CRITERIA: Review of the subdivision shall be based on the following:

- (1) Dakota County subdivision standards.
- (2) Current minimum design standards as published by the Nebraska Board of Public Roads' Classification and Standards.
- (3) The cost of improving or maintaining public roads and facilities proposed or dedicated to the county.

- (4) The appropriateness of county maintenance of public facilities in the new subdivision.

406. PROFESSIONAL ASSISTANCE

If the assistance of a registered professional engineer or other professional staff is deemed to be necessary by the county in reviewing preliminary or final subdivision plats, the county may contract for such assistance. The cost of these services may be borne by the county by the developer, or partially by both. The need for such services should be established at the preapplication conference. Cost, which will be charged to the developer for this review, shall be included in the Notification of Requirements in accordance with Section 401.02 of this Regulation.

407. RESPONSIBLE COUNTY OFFICIAL

The County Zoning Administrator is responsible for the administration of this regulation. He may, with County Board of Commissioner's approval, enter into contract for professional and technical services which are necessary for the inspection of improvements or review of plats, or any other aspect of his administrative responsibility for which he is not technically qualified.

ARTICLE 5. SUBDIVISION DESIGN STANDARDS

SECTION 501. GENERAL REQUIRMENTS

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. If, following adequate investigation, conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or prosperity of the community, or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities and streets, then the subdivision plat shall not be approved unless the subdivider formulates adequate methods for meeting such problems.

All subdivision design shall conform to standards of the Comprehensive Development Plan and to the County Zoning Regulations.

All required improvements shall be constructed or installed to conform to the provisions of this Resolution and county specifications.

SECTION 502. STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development 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 the land to be served by such streets.

- 502.01 **STREET EXTENSIONS:** The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas 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 such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turn around having a radius of at least fifty (50) feet.
- 502.02 **DEDICATION OF RIGHT-OF-WAY FOR NEW STREETS:** The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Comprehensive Development Plan, or if not shown thereon, shall meet the right-of-way requirements as provided in Schedule A of these regulations. All streets classified as arterial streets by the Comprehensive Development Plan shall have all points of access approved by the Planning Commission. Marginal access streets may be required by the Planning Commission for subdivisions fronting on arterial streets.
- 502.03 **DEDICATION OF RIGHT-OF-WAY FOR EXISTING STREETS:** Subdivisions platted along existing streets shall dedicate additional right-of way 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 center line of the existing roadway, shall be dedicated. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.
- 502.04 **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. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.
- 502.05 **HORIZONTAL AND VERTICAL STREET CURVES:** A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves provided in Schedule A of these regulations shall be required.

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the Planning Commission.

- 502.06 **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 be not less than one-half (1/2) of one (1) percent. The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivisions will not be isolated by floods.

Street grades shall conform to the minimum requirements provided in Schedule A of these Regulations.

- 502.07 **MARGINAL ACCESS STREETS:** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- 502.08 **STREET JOGS:** Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

- 502.09 **CUL-DE-SACS:** Due to the impracticality of snow removal and other maintenance of such streets using normal county road maintenance equipment, streets ending in cul-de-sacs are prohibited from subdivisions in rural areas.

502.10 STREET NAMES: Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix.

To avoid duplication and confusion, the proposed names of all streets shall be approved by the County Planning Commission prior to such names being assigned or used.

502.11 PRIVATE STREETS AND RESERVE STRIPS: There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality or county under conditions approved by the Planning Commission as authorized in these regulations.

SECTION 503. PROHIBITION OF CUL-DE-SACS

It is the policy of the County Board of Commissioners to discourage the development of street types which are very costly to maintain with normal county road equipment and which are more suited to a municipal setting. For this reason streets ending in cul-de-sacs are hereby prohibited in all subdivisions over which this regulation has jurisdiction. Additionally, they are discouraged in all subdivisions for which the county may have maintenance responsibilities. This prohibition shall be in effect regardless of references to cul-de-sacs in other sections of this Regulation.

SECTION 504. BLOCKS

The length, widths, and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for convenient access, circulation, control and safety of street traffic; and limitations and opportunities of topography.

504.01 BLOCK LENGTHS: Block lengths shall not exceed twelve hundred (1,200) feet or be less than three hundred (300) feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.

504.02 BLOCK WIDTHS AND TIERS: Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, provided, that where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

SECTION 505. LOTS

The lot size, width, depth, shape and orientation, and the minimum building setback lines

shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- 505.01 LOT DIMENSIONS: Lot dimensions shall conform to the requirements of the zoning regulations.
- 505.02 CORNER LOTS: Corner lots for residential use shall have extra width to permit appropriate building setback from the orientation to both streets.
- 505.03 ACCESS TO LOTS: The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- 505.04 DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS: Double frontage and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- 505.05 ANGLE OF SIDE LOT LINES: Side lot lines shall be substantially at right angles or radial to street lines.

SECTION 506. FLOOD HAZARDS

Land subjects to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To insure that lots will be located only where they will provide flood-free building sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for easement of right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of structures intended for human habitation shall be high enough to be one (1) foot above the level of a one hundred (100) year frequency flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased.

SECTION 507. OFF-STREET LOADING AND PARKING FACILITIES

All lots or parcels platted shall provide sufficient space for off-street loading and parking facilities to meet the requirements of the zoning district within said lot or parcel is platted.

SECTION 508. 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 wide.

Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width of construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

SECTION 509. COMMUNITY ASSETS

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The Planning Commission may prepare a list of all such features within its area of planning jurisdiction which it deems worthy of preservation.

SECTION 510. CONFORMANCE WITH OTHER REGULATIONS

No final plat of land within the area of force and effect of existing zoning regulations will be approved unless it conforms with such regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the building code, or other official regulations, the highest standard shall apply.

SECTION 511. RESERVATION DEDICATION OF PUBLIC LAND AND OPEN SPACE

511.01 **RESERVATION:** Before final plat approval is given the subdivider, he/she may be required to reserve sites for parks, playgrounds, open spaces and schools and other public land as determined by the Planning Commission to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition and/or use shall be for a period not to exceed three (3) years from the date the plat is officially approved and recorded unless otherwise provided in these regulations.

511.02 **DEDICATION:** Before final plat approval is given to the subdivider, he/she shall be required to dedicate to the public use all streets, alleys, buffer strips and parks as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the County Commissioners and on the subdivision plat.

ARTICLE 6. REQUIRED SUBDIVISION IMPROVEMENTS

SECTION 601. GENERAL REQUIREMENTS

The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under County supervision and inspection and shall be completed within the time fixed or agreed upon by the County Zoning Administrator. The minimum requirements for materials shall be in accordance with the standards currently in effect in the county or as approved by the County Board. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Control and the Nebraska Department of Health shall be the minimum standards required.

Schedules of improvements shall be prepared by the subdivider. The schedules shall contain standards, and classes of construction which are consistent with the zoning districts as identified in the Zoning Regulations of the County of Dakota. The subdivider shall furnish copies of pertinent schedules and certificates of compliance as required by the County Zoning Administrator.

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

SECTION 602. MONUMENTS, MARKERS AND PINS

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least thirty six (36) inches long and at least six (6) inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one (1) inch in diameter and at least thirty (30) inches long may be used at all other points.

SECTION 603. STREETS

603.01 GRADING SPECIFICATIONS: All streets, roads and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the County Board. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2) feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least twelve (12) inches below the graded surface. In fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two (2) feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills

or hinder proper operation of the drainage system.

- 603.02 **MINIMUM PAVEMENT WIDTHS:** Pavement widths shall be measured between curbs. Minimum pavement or surface widths shall be provided as indicated in Schedule A of these regulations.
- 603.03 **STREET SURFACING:** Street surfacing shall be provided in conformance with Schedule B of these regulations or as determined by the County Zoning Administrator. Requirements for paving including curb and gutter may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of three hundred (300) feet or more subject to the approval of the county engineer. Streets in such subdivisions shall have a crushed rock or gravel surface which meets the specifications of the county.
- 603.04 **CURB AND GUTTER:** Curb and gutter shall as a minimum be provided in conformance with Schedule B of these regulations. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the county and as approved by the County Zoning Administrator.
- 603.05 **STREET NAME SIGNS:** Street name signs, of a type in use throughout the county shall be erected by the subdivider at all intersections.

SECTION 604. SIDEWALKS

Sidewalks shall be provided in conformance with Schedule B of these regulations and shall be constructed of portland cement concrete or other acceptable material as approved by the County Zoning Administrator. Sidewalk thickness shall be not less than four (4) inches.

SECTION 605. DRIVEWAYS

Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side.

SECTION 606. STREET AND WALKWAY LIGHTING (This Section Reserved for Future Use)

SECTION 607. STREET TREES (This Section Reserved for Future Use)

SECTION 608. UTILITY AND DRAINAGE FACILITIES

608.01 GENERAL: Sanitary sewer, storm sewer, water distribution electrical, gas, telephone, and communications, cable, and all other utility lines shall be installed in rear lot easements wherever practical. Where it is impractical to install such utility lines in rear lot easements, they shall be installed within the unpaved portions of the street right-of-way except for sanitary and storm sewer lines which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion.

When it is impossible to install sanitary and storm sewer lines in the unpaved portion of the street right-of-way all such utility lines, including service connections shall be completely installed, and inspected and approved by the Planning Administrator, following the grading of the street and prior to the application of any pavement base.

Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed, provided, that at such time as these service connections are installed, they shall be installed without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area at such depth as to interfere with the installation of service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

608.02 WATER SUPPLY IMPROVEMENTS: Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the county and the Nebraska Department of Health.

Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one (1) or more test wells in the area to be platted if such evidence is deemed not acceptable.

608.03 SANITARY SEWER IMPROVEMENTS: The following requirements shall govern sanitary sewer improvements.

- (1) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the County Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the county standards and the Nebraska Department of Environmental Control and the Department of Health. Combinations of sanitary sewers and storm sewers shall be prohibited.
- (2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
 - a. A central treatment plant for the group, provided that such central treatment

plant is installed in accordance with the Nebraska Department of Environmental Control and Department of Health requirements; or

- b. Install septic tanks meeting all Nebraska Department of Health requirements for construction and installation.

- 608.04 **DRAINAGE IMPROVEMENTS:** The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the County Zoning Administrator to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Drainage ditches shall not be permitted to discharge into any sanitary sewer facilities.
- 608.05 **SEWERS AND STORM WATER DRAINAGE:** Where an adequate public storm sewer system is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the County Zoning Administrator and approved by the Planning Commission. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
- 608.06 **CULVERTS AND BRIDGES:** Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
- (1) All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the County Zoning Administrator. The minimum diameter of a culvert pipe shall be (18) inches. Depending on existing drainage conditions, head walls may be required.
 - (2) Driveway culverts shall have a minimum length of twenty-four (24) feet, and a minimum diameter of eighteen (18) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.
- 608.07 **EROSION CONTROL:** The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the County Planning Commission or the County Zoning Administrator. These efforts shall include the seeding of road shoulders and land in the right-of-way which is disturbed by road construction.

608.08 FIRE PROTECTION: Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length.

The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water main serving any hydrant shall not be less than six (6) inches in diameter and should be circulating water lines. The size and location of water mains should be approved by the County Zoning Administrator and the Fire Chief.

608.09 ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS

- (1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- (2) Overhead utility lines, where permitted, shall be located at the rear of all lots.
- (3) Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable:
 - a. The total easement width shall be not less (20) feet, and
 - b. The sanitary sewer line shall be installed within the easement no less than three (3) feet of the easement and the electric and/or telephone lines shall be installed within the easement no less than three (3) feet of the opposite side of the easement.

SECTION 609. SHARED IMPROVEMENT COSTS

609.01 OVER-SIZE AND OFF-SITE IMPROVEMENTS: The utilities, pavements and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Planning Commission and County Zoning Administrator.

609.02 COST OF OVER-SIZE IMPROVEMENTS: Minimum street pavement widths shall conform to the standards given in Schedule A, inclusive. Where pavement widths greater than those specified in Schedule A are deemed necessary by the County Zoning Administrator and approved by the county board, the county shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations. The

subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Commission and the County Board. The county shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in 609.01.

- 609.03 EXTENSIONS TO BOUNDARIES: The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the County Planning Commission. All county cost associated with these extensions must have prior approval of the County Board.
- 609.04 OFF-SITE EXTENSIONS: If streets or utilities are not available at the boundary of a proposed subdivision, and if the County Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a county expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

SECTION 610. SUBDIVISION IMPROVEMENT GUARANTEES

Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the County Board of Commissioners and the County Zoning Administrator, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Planning Commission and shall dedicate same to the county in accordance with Section 610.07, of these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the county board.

In lieu of requiring the completion of all improvements prior to final plat approval, the county shall at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this Resolution or otherwise specified by the Planning Commission or the County Board in a manner satisfactory to the County Board of Commissioners. To secure this contract, the subdivider shall provide, subject to the approval of the County Board, one of the guarantees provided in Sections 610.04 through 610.04.

- 610.01 SURETY PERFORMANCE BOND: The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the county and shall be in an amount to cover the entire cost, as estimated by the subdivider and approved by the County Board, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the county in accordance with Section 610.07.
- 610.02 ESCROW ACCOUNT: The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the county, or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank

with which the funds are to be deposited, shall be subject to the approval of the County Board. The amount of the deposit shall be at least equal to the cost, as estimated by the subdivider and approved by the County Board, of installing all required improvements.

In the case of an escrow account, the subdivider shall file with the County Board an agreement between the financial bank and himself/herself guaranteeing the following:

- (1) That the funds of said escrow account shall be held in trust until released by the County Board and may not be used or pledged by the subdivider as security in any other matter during that period;
- (2) And that in the case of a failure on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the county for use in the completion of those improvements.

- 610.03 SEQUENTIAL APPROVAL OF SUBDIVISION SEGMENTS: Where a subdivision is to be developed in several sections each filing must conform to the requirements of ARTICLE 6 of this Regulation before the plat of each filing is approved.
- 610.04 SPECIAL ASSESSMENT: The county may, at its discretion, enter into an agreement with the subdivider to pay the cost of the required improvements through the use of a special assessment. The county shall make such arrangements for actual construction and interim financing as it deems appropriate, provided that construction of improvements in any section of the subdivision shall be completed in a time period not longer than would be allowed if another form of improvement guarantee were used.
- 610.05 TIME LIMITS: Prior to the granting of final plat approval, the subdivider and the Planning Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The Planning Commission shall have the power to extend that deadline for one (1) additional year where the subdivider can present substantial reason for doing so.
- 610.06 FAILURE TO COMPLETE IMPROVEMENTS: If any portion of the required improvements shall fail to be accepted for dedication in compliance with Section 610.07 within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the County Board shall take one of the following actions:
- (1) Where improvements have been guaranteed under Section 610.01 of this Resolution preliminary plat approval shall be revoked.
 - (2) Where improvements have been guaranteed under Section 610.02 of this Resolution, the County Board shall declare whatever security has been pledged as a guarantee to be forfeited. Where the County Board is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the County Board shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted

improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

610.07 **INSPECTION AND CERTIFICATION:** The County Zoning Administrator shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the County Zoning Administrator shall file with the County Board and the Planning Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

Upon completion of the improvements, the subdivider shall file with the County Board and the Planning Commission a statement stipulating the following:

- (1) That all required improvements are complete;
- (2) That these improvements are in compliance with the minimum standards specified by the Planning Commission for their construction;
- (3) That the subdivider knows of no defects from any cause, in those improvements;
- (4) And that these improvements are free and clear of any encumbrance or lien.

If the County Board of Commissioners has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the county shall accept the dedication of those improvements. The county may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

610.08 **REDUCTION OF GUARANTEES:** In those cases where improvement guarantees have been made under Section 610.02 this Resolution, the amount of the guarantee may be reduced upon acceptance, in compliance with Section 610.07 of the dedication of a portion of the required improvements.

610.09 **RELEASE OF GUARANTEE:** Upon acceptance, in accordance with Section 610.07 .of the dedication of the final portion of improvements, the County Board shall authorize the release of the remaining portion of the improvement guarantee.

SECTION 611. OPERATION AND MAINTENANCE

It is the stated intent of the county to primarily provide rural and countywide services. It is not intended that the county be obligated to provide urban services such as utility systems maintenance, park maintenance, local road maintenance and related services normally required in subdivisions. Therefore, it will be the obligation of the subdivider to present to the Planning Commission and the county Board a precise approach for the

provision of these services. Said approach may include the formation of districts, homeowners organizations of other methods to operate and provide for long-term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is accepted by the County Attorney.

ARTICLE 7. VARIANCES

SECTION 701. GRANTING OF VARIANCES; CONDITIONS

The Planning Commission may recommend and the County Board of Commissioners may grant variances from the provisions of the regulations but only after determining that:

- (1) There are unique circumstances or conditions affecting the property.
- (2) The variance is necessary for the reasonable and acceptable development of the property in question.
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.

SECTION 702. RECORDING OF PLAT

In no case shall the requirement of filing and recording a plat for subdivision be waived.

SECTION 703. PLANNED DEVELOPMENT (This section reserved for future use.)

SECTION 704. WAIVER FOR SMALL SUBDIVISIONS

The subdivider may make application for, and the Planning Commission may grant a waiver of, some or all of the requirements provided in Article 5 and Article 6 of these regulations for small Class I residential subdivisions where the following conditions exist:

- (1) The subdivision contains no more than five (5) lots.
- (2) All lots of the proposed subdivision shall be Platte on existing streets.
- (3) Street surfaces of all streets serving the subdivision shall meet or exceed street surface standards of the County.
- (4) The development of the subdivision will not increase erosion.

A subdivider requesting a waiver under the provisions of Section 704 of these regulations shall submit said request in writing to the Planning Commission prior to submission of the Preliminary Plat. The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to the Section numbers and the descriptive catch-heads which appear in these regulations.

ARTICLE 8. AMENDMENTS

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

ARTICLE 9. REPEALS

All Resolutions of the county inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

The repeal of any of the above-mentioned does not revive any other Resolutions or portions thereof repealed by said Resolutions.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution, repealed hereby, for any offense committed prior to the repeal.

ARTICLE 10. SEVERABILITY

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below.

If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdictions, it is hereby declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered.
- (2) Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provisions thereof, to any other lot, building, other structure, or tract of land.

SUBDIVISION REGULATIONS FOR DAKOTA COUNTY, NEBRASKA

SCHEDULE A: MINIMUM STREET STANDARDS
CLASS I SUBDIVISIONS (REFER TO SECTION 303.01)

	MINIMUM RIGHT OF WAY (ft.)	SURFACE WIDTH (ft)	NUMBER OF TRAFFIC LANES	MINIMUM NUMBER OF PARKING LANES	SHOULDER WIDTH (ft.)	MAXIMUM GRADE %	MINIMUM CENTER LINE RADIUS (dig.)	MINIMUM SPACING INTERSECTION WITH ARTERIAL STREET (ft.)
ARTERIAL STREET ⁽¹⁾	120	32 ⁽²⁾	2	0	4 ⁽²⁾	7	350	--
COLLECTOR STREET ⁽¹⁾	80	24 ⁽²⁾	2	0	4	7	300	1,320
LOCAL STREET	60	20 ⁽²⁾	2	0	4	8	200	1,320
CUL-DE -SAC	(None allowed in Rural Subdivision, See Section 503)							

CLASS II SUBDIVISIONS (REFER TO SECTION 303.02)

ARTERIAL STREET ⁽¹⁾	100	36 ⁽²⁾	2	0	8	7	300	--
COLLECTOR STREET ⁽¹⁾	80	32 ⁽²⁾	2	0	6	7	300	1,320
LOCAL STREET	60	30 ⁽²⁾	2	1	6	8	200	1,320
CUL-DE -SAC	(None allowed in Rural Subdivision, See Section 503)							

(1)

Minimum standards are not applicable to roads and streets which are included on the Federal-Aid Primary or Federal-Aid Secondary system or on the county or municipal One and Six Year Road and Street plan.

(2)

Add greater width if parking and/or turning lanes are to be provided: minimum turning lane = 10 feet
minimum parking lane = 8 feet

**SUBDIVISION REGULATIONS FOR DAKOTA COUNTY, NEBRASKA
SCHEDULE B: REQUIRED SUBDIVISION IMPROVEMENTS**

SUBDIVISION CLASS (SECTION 303.02)	CURB AND GUTTER	SIDEWALKS	STREET SURFACE TYPE MINIMUM	STORM DRAINAGE	CENTRAL ¹ WATER SYSTEM	CENTRAL ¹ SEWER SYSEM
CLASS I	N.R.	N.R.	AGG.	N.R.	N.R.	N.R.
CLASS II	Yes	Yes	P.C.C.	Yes	Yes	Yes

N.R. = NOT REQUIRED, but subject to approval of Planning Commission and County Zoning Administrator

AGG = AGGREGATE; crushed rock or gravel as specified by the County Highway Superintendent

AM. CO. = Armore coat surface or aggregate and oil

PCC = Six (6) inches of portland cement concrete pavement (4000 psi).

¹Systems will be sized in accordance with accepted engineering practice and any additional standards adopted by the Dakota County Board of Commissioners.

Dakota County Joint Planning Commission Members

Gene Cantrell

Jim Jepsen

Jim Crosgrove

Dick McCabe

Dick McNear

Marlan Millard

Donald N Miller

Joe O'Neill

Martin Rohde

Dakota County Board Advisory Position

Jackie Hartnett

Dakota County Zoning Administrator

Dennis Reinart

Dakota County Board of Commissioners

Bill Engel, Chairman

Rick Bousquet

Jackie Hartnett

Pam Miller

Betty O'Neal

Dakota County Joint Planning Commission
Dakota County, Nebraska

Recommendation for Adopting Zoning Ordinances and Zoning Map

WHEREAS, the Dakota County Board of Commissioners established the Dakota County Joint Planning Commission pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999) for the purpose of discussion, study and development of action recommendations on local and regional planning matters and the County Board of Commissioners has the authority to adopt a zoning resolution, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999); and,

WHEREAS, the Dakota County Joint Planning Commission has developed the Dakota County Zoning Ordinances and Official Zoning Map pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999), and held a public hearing on the 21st day of February, 2006, regarding the Dakota County Zoning Ordinance and Official Zoning Map, giving public notice as required by State Statutes; and,

WHEREAS, the Dakota County Planning Commission, during an official and public meeting, voted unanimously to recommend the Dakota County Zoning Ordinances and Official Zoning Map to the Dakota County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY PLANNING COMMISSION THAT, the Dakota County Board of Commissioners approve and adopt, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999), the Dakota County Zoning Ordinances and the Official Zoning Map, as prepared by the Joint Planning Commission, which are attached hereto.

Respectfully submitted to the Dakota County Board of Commissioners this 21st day of February, 2006.

Moved by _____, seconded by _____, that the above resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ABSTAIN:

Planning Commission, Secretary

Planning Commission, Chairman

Board of County Commissioners
Dakota County, Nebraska

Resolution Adopting Zoning Ordinances

WHEREAS, the Dakota County Board of Commissioners established the Dakota County Planning Commission pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999) for the purpose of discussion, study and development of action recommendations on local and regional planning matters; and,

WHEREAS, the Dakota County Planning Commission has recommended that the Dakota County, Nebraska, Zoning Ordinances and Official Zoning Map, which are attached hereto, be adopted by the Dakota County Board of Commissioners; and,

WHEREAS, the Dakota County Board of Commissioners has the authority to adopt a zoning resolution and an official zoning map, which has recorded and updated approved and adopted zoning changes and follows the 1997 Dakota County Comprehensive Plan, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 1999);

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS THAT, the Dakota County, Nebraska, Zoning Ordinances and the Official Zoning Map, which are attached hereto, are hereby adopted and incorporated as recommended by the Dakota County Planning Commission.

DATED this 21st day of February 2006.

Moved by _____, seconded by _____, that the above resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Theodore Piepho
Dakota County Clerk

Bill Engel, Chairman
Dakota County Board of Commissioners

DAKOTA COUNTY JOINT PLANNING COMMISSION

BYLAWS

FOR DAKOTA COUNTY, NEBRASKA

Prepared for: **Dakota County, Nebraska**

By: **Dakota County Joint Planning Commission
Dakota County Board of Commissioners**

With Assistance from: **Siouxland Interstate Metropolitan Planning Council (SIMPCO)**
Sioux City, Iowa

February 21, 2006

Dakota County Joint Planning Commission
Dakota County, Nebraska

Amended Bylaws for the Joint Planning Commission of Dakota County, Nebraska

ARTICLE I

ORGANIZATION

SECTION 1.1. NAME OF THE ORGANIZATION. The name of the voluntary organization formed by this agreement shall be the Dakota County Joint Planning Commission.

SECTION 1.2. STATUTORY AUTHORITY. The Dakota County Joint Planning Commission is an agency voluntarily established by its members and the Dakota County Board of Commissioners under and by virtue of the power to do so granted by Nebraska Revised Statute § 23-114.01 and pursuant to the Interlocal Cooperation Act.

SECTION 1.3. PURPOSE. The Dakota County Joint Planning Commission is established for the purpose of promoting and preserving the public health, safety and welfare of the citizens of Dakota County, Nebraska. The purpose of the Dakota County Joint Planning Commission shall be achieved through the discussion, study and development of action recommendations on local and regional planning matters.

SECTION 1.4. FUNCTIONS AND DUTIES OF THE PLANNING COMMISSION. The functions and duties of the Dakota County Joint Planning Commission are those set forth in Section 23-114.01 of the Nebraska Revised Statutes and amendments and supplements thereto, and those powers and duties delegated to the Joint Planning Commission by the County Board of Commissioners for Dakota County, Nebraska. The Joint Planning Commission is established as a review and recommendation body only and is not empowered to have independent authority over the implementation of the plans it is responsible for preparing or to implement or administer any regulation or program established to implement the comprehensive plan or other plans prepared by the Joint Planning Commission. These authorities are left up to the Dakota County Board of Commissioners. The functions and duties of the Dakota County Joint Planning Commission shall include:

1. Formulate and adopt a comprehensive plan and other plans for the physical development of Dakota County;
2. Prepare and adopt a capital improvements program, subdivision regulations, building codes and zoning regulations as a means of implementing the comprehensive plan and other plans;

3. Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions and citizens in regards to the formulation and implementation of the comprehensive plan and related regulations, codes and other means of implementing the plan;
4. Delegate authority to any group, of the types mentioned in the preceding item to conduct studies, make surveys, make preliminary reports on its findings and hold public hearings before submitting its final reports;
5. Conduct or sponsor studies or planning work for any public body or agency and receive grants, remuneration or reimbursement for studies or work;
6. Hold and conduct public hearings, at which the Joint Planning Commission may summon witnesses, administer oaths and compel the giving of testimony on any matter relating the comprehensive plan or development in Dakota County, prior to making final reports and recommendations to the Dakota County Board of Commissioners;
7. With consent of the Dakota County Board of Commissioners and in its own name, may:
 - Make and enter into contracts with private or public bodies;
 - Receive contributions, bequests, gifts or grant funds from public or private sources;
 - Expend funds appropriated to it by the Dakota County Board of Commissioners
 - Employ agents or employees; and,
 - Acquire, hold and dispose of property; and

The Dakota County Joint Planning Commission, by the authority of the Dakota County Board of Commissioners for Dakota County, Nebraska shall additionally have the authority to:

1. Grant Conditional Use Permits, Special Permits and exceptions as are specifically authorized by the Dakota County Zoning Ordinances and in accordance with the rules and regulations established for Conditional Use Permits, Special Permits and exceptions as set forth therein.
2. To permit the extension of a district where the boundary line of a district divides an urban type building lot in single ownership as shown on record.
3. To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed by fire or act of God where the Commission shall find a compelling public necessity requiring the continuance of the non-conforming use building. This provision shall not apply to any use which is non-conforming due to its location in a floodway, flood plain or flood hazard area.

The Joint Planning Commission has review authority over any actions of the Dakota County Board of Commissioners which relate the above listed functions and duties of the Commission. The Dakota County Board of Commissioners shall not hold any public hearing or take any actions on matters relating to the comprehensive plan, capital improvements, building codes,

subdivision development, annexation of territory or zoning, including amendments thereto, until it has received the recommendations of the Joint Planning Commission.

ARTICLE II

MEMBERSHIP

SECTION 2.1. MEMBERSHIP. The members of the Dakota County Joint Planning Commission, known as Planning Commissioners, shall be local citizens appointed by the Dakota County Board of Commissioners and said membership maintained by special appointment. Appointments shall be made with due consideration to geographical and population factors. The Joint Planning Commission shall consist of nine (9) members and be appointed to represent the following areas: Unincorporated area of Dakota County (5 members), Village of Emerson (1 member), Village of Homer (1 member), Village of Hubbard (1 member), Village of Jackson (1 member).

SECTION 2.2. RESIDENCY OF PLANNING COMMISSION MEMBERS. A majority of the Joint Planning Commission members must reside in the unincorporated areas of Dakota County. Members shall be residents of the area they are appointed to represent.

SECTION 2.2. TERM OF SERVICE. The first Joint Planning Commission shall be appointed as follows:

- 3 members for 3 years
- 3 members for 2 years
- 3 members for 1 year

After the terms of the initial appointments, all terms shall be three (3) years. All members shall hold office until their successors have been appointed or until said members have been re-appointed.

SECTION 2.3. COMPENSATION AND EXPENSES. Members of the Joint Planning Commission shall serve with a compensation of fifteen (\$15.00) dollars per meeting for the time they commit to their service. Members may be compensated in an amount fixed by the County Board of Commissioners for actual and necessary expenses incurred in connection with his or her duties as a member of the Joint Planning Commission. The mileage reimbursement rate for travel by personal automobile shall be the prevailing rate established by the Nebraska Department of Administrative Services. Member expenses must be approved by the Board of Commissioners prior to being incurred. Members shall be reimbursed for necessary expenses following the administrative procedures followed by the County.

SECTION 2.4. REMOVAL OF MEMBERS. Any member of the Joint Planning Commission may be removed as a member of the Joint Planning Commission for inefficiency, neglect of duty, malfeasance or other good and sufficient cause. Written charges must be filed and a public hearing must be held regarding the charges, after which a Joint Planning Commissioner may be removed by a majority vote of the County Board of Commissioners.

ARTICLE III

OFFICERS AND THEIR DUTIES

SECTION 3.1. OFFICERS. The officers of the Joint Planning Commission shall consist of a Chairperson, Vice Chairperson and Secretary.

SECTION 3.2. TERM. The terms of all officers shall be for one year and all are eligible for reelection.

SECTION 3.3. DUTIES. The Chairperson shall preside at all meetings and hearings of the Joint Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall be one of the citizen members of the Joint Planning Commission and shall have the privileges of discussing all matters before the Joint Planning Commission and of voting thereon. The Vice Chairperson shall act for the Chairperson in his/her absence and shall be a citizen member of the Joint Planning Commission. The Secretary, with assistance from the Clerk, shall keep the minutes and records of the Joint Planning Commission, prepare the Chair agendas for regular and special meetings, provide notice of meetings to Joint Planning Commission members, arrange proper and legal notice of hearing, attend to correspondence of the Joint Planning Commission and attend to such other duties as are normally carried out by a Secretary.

ARTICLE IV

ELECTION OF OFFICERS

SECTION 4.1. ELECTION OF OFFICERS. Nomination of officers shall be made from the floor at the annual organizational meeting, which shall be held on the Third Tuesday of February each year, and the elections of officers shall follow immediately after. A candidate receiving a majority of the vote of the entire membership of the Joint Planning Commission shall be declared elected and shall take office.

SECTION 4.2. VACANCIES IN ELECTED OFFICES. Vacancies in offices shall be filled immediately by regular election procedures.

ARTICLE V

MEETINGS

SECTION 5.1. MEETING TIME AND LOCATION. Meetings will be held on the Third Tuesday of each month at 7:00 at 1863 N. Bluff Road, Hubbard, Nebraska or as set by the Chairperson. The Joint Planning Commission shall hold at least six (6) meetings per year.

SECTION 5.2. NOTICE. Notice of such meetings shall be published in the official newspaper of Dakota County, Nebraska or in a newspaper of general circulation at least ten (10) days before such meetings.

SECTION 5.3. QUORUM. Five (5) members of the Joint Planning Commission shall constitute a quorum and the number of votes necessary to transact business shall be a majority of the quorum. Voting shall be by roll call and a record call shall be kept as part of the minutes.

SECTION 5.4. SPECIAL MEETINGS. Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested to do so in writing by a majority of the members of the Joint Planning Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Joint Planning Commission. The Secretary, with assistance from the Dakota County Clerk, shall notify all members of the Joint Planning Commission in writing not less than five (5) days in advance of such special meetings. All meetings in which official actions is taken shall be open to the general public. The Joint Planning Commission shall have the right to hold executive sessions.

ARTICLE VI

ORDER OF BUSINESS

SECTION 6.1. ORDER OF BUSINESS. The order of business at regular meetings shall be:

- a. Roll call
- b. Reading of minutes of previous meetings
- c. Communication and bills
- d. Report of officers and committees
- e. Old business
- f. New business
- g. Adjournment

ARTICLE VII

COMMITTEES

SECTION 7.1. COMMITTEES. The following standing committees may be appointed by the Chairperson:

- a. Land Use Committee
- b. Thoroughfare Committee
- c. Public Facilities Committee
- d. Housing Codes Committee
- e. Economic Development Committee
- f. Budget and Finance Committee
- g. Public Relations Committee

SECTION 7.2. TERM. The standing committees may be appointed for any length of time.

SECTION 7.3. SPECIAL COMMITTEES. Special committees may be appointed by the Chairperson for purposes and terms which the Joint Planning Commission approves.

ARTICLE VIII

EMPLOYEES

SECTION 8.1. CLERK. The Joint Planning Commission may employ a Clerk to perform the duties of a Secretary and to perform such other duties as may be assigned by the Chairperson of the Joint Planning Commission, with prior approval from the Dakota County Board of Commissioners.

SECTION 8.2. CLERK DUTIES. The Clerk shall keep the minutes and records of the Joint Planning Commission, prepare Chair agendas for regular and special meetings, provide notice of meetings to Joint Planning Commission members, arrange proper and legal notice of meetings, attend to correspondence of the Joint Planning Commission and to such other duties as are normally carried out by a Secretary.

SECTION 8.3. STAFF OR EXPERTS. The Joint Planning Commission may employ such staff and or experts as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the entire membership and with approval from the Dakota County Board of Commissioners.

ARTICLE IX

HEARINGS

SECTION 9.1. PUBLIC HEARINGS. In addition to those required by Nebraska State Statutes and the Dakota County Zoning Ordinances and Subdivision regulations, the Joint Planning Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

SECTION 9.2. NOTICE. Notice of such hearings shall be published in the official newspaper of Dakota County, Nebraska or in a newspaper of general circulation at least ten (10) days before the time of the public hearing.

SECTION 9.3. RULES. The case before the Joint Planning Commission shall be presented in summary by a designated member of the Joint Planning Commission and parties in interest shall have privileges of the floor. A record shall be kept of those speaking before the Joint Planning Commission.

ARTICLE X

AMMENDMENTS

SECTION 10.1. AMMENDMENTS. These Bylaws may be amended by an affirmative vote of six (6) members of the Joint Planning Commission. All amendments to the Bylaws shall be presented in writing to all Commission members at least ten (10) days prior to voting on such amendments and with a voting dated stated as such.

DATED this 21st DAY of February, 2006.

Moved by _____, seconded by _____, that the above resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Joint Planning Commission, Secretary

Joint Planning Commission, Chairman