

EXHIBIT A

CHAPTER 11. SUBDIVISION REGULATIONS

11.01. Intent.

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

11.02. General Construction of Language.

The following general rules of construction apply to the text of this Ordinance.

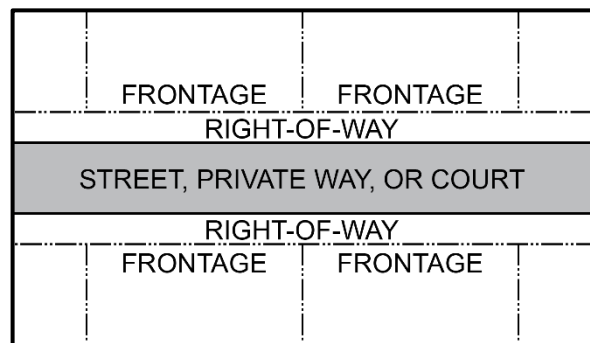
1. HEADINGS. Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of this Ordinance.
2. ILLUSTRATION. In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.
3. SHALL, MUST, AND MAY. "Shall" and "must" are always mandatory. "May" is discretionary.
4. TENSES AND NUMBERS. Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. CONJUNCTIONS. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - A. "And" indicates all connected items or provisions apply.
 - B. "Or" indicates the connected items or provisions may apply singly or in any combination.
 - C. "Either ... or" indicates the connected items or provisions shall apply singly but not in combination.
 - D. Referenced Agencies. Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Ordinance are those of the City of Kimball.

11.03. Definitions.

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

1. ADMINISTRATIVE SUBDIVISION. A subdivision of land which creates no more than two (2) lots; requires no extension of streets, sewers, utilities, or other municipal facilities; no dedication of easements or rights-of-way or annexation; complies with all pre-existing zoning requirements; and has not been subject to a previous administrative subdivision.
2. BOND. Any form of security including a cash deposit, collateral, property, security bond, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.
3. BOUNDARY ADJUSTMENT. The transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
4. CITY. The City of Kimball, Nebraska.

5. CITY COUNCIL. The City Council of the City of Kimball, Nebraska.
6. CITY ENGINEER. The City Engineer as hired or appointed by the Mayor and City Council or an authorized deputy, agent, or representative.
7. CLERK. The City Clerk of the City of Kimball, Nebraska.
8. COMPREHENSIVE PLAN. The comprehensive development plan of the City of Kimball, Nebraska as adopted by the City Council. The plan shall accommodate anticipated long-range future growth based upon documented population and economic projections and meeting the requirements set forth in the Neb. Rev. Stat. §19-903.
9. CONDITIONAL APPROVAL. Approval of a subdivision which requires the subdivider to take certain specified action to secure complete approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.
10. DEDICATION. The intentional appropriation of land by the landowner to public use.
11. DEVELOPER. See "SUBDIVIDER".
12. EASEMENT. A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one (1) owner to another owner, public or private agency, or utility.
13. FINAL APPROVAL. The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the appropriate County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of this Ordinance.
14. FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters.
 - B. The usual and rapid accumulation of runoff of surface waters from any source.
15. FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
16. FLOOD PLAIN. Any land designated by the Nebraska Natural Resources Commission, or the Federal Emergency Management Agency that is susceptible to being inundated by water from any source.
17. FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
18. FRONTAGE. The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.
19. GREEN SPACE. Land partly or completely covered with grass, trees, shrubs, or other vegetation.

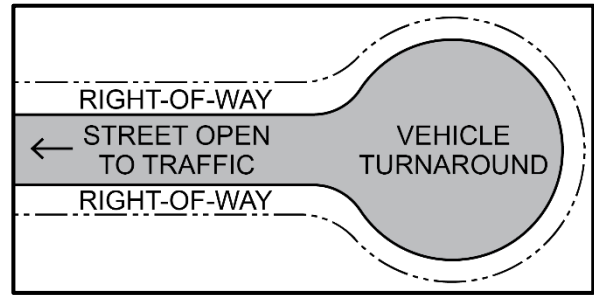


Frontage

20. **IMPROVEMENTS.** Street grading, street surfacing and paving, curbs and gutters, streetlights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, electrical infrastructure, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.
21. **LOT MINIMUM AREA.** The minimum or smallest amount of total lot area in a single ownership necessary to satisfy the physical development standards defined in this Ordinance.
22. **LOT SUBDIVISION.** The division or combination of one or more previously platted lots on the same side of a street and in the same block into lots of different size or width than previously platted.
23. **MONUMENT.** An identification marker established by a registered land surveyor at each section corner, block corner, lot corner, or other point as required by this Ordinance.
24. **OPEN SPACE.** Any open piece of undeveloped and which has no buildings or other built structures and is accessible to the public. Open space can include green space.
25. **OWNER.** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
26. **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.
27. **PEDESTRIAN WAY.** A right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
28. **PLANNING COMMISSION.** The Planning Commission of Kimball, Nebraska.
29. **PLAT.** A document, usually a map or maps, expressing the designation or division of land into one (1) or more lots or parcels, at least one (1) of which is ten (10) acres or less.
 - A. **SKETCH PLAN.** A plan or drawing presented by the Subdivider to communicate development concepts and ideas with City Staff before paying for the professional services needed for platting.
 - B. **PRELIMINARY PLAT.** A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the appropriate County Register of Deeds.
 - C. **FINAL PLAT.** The final map of the subdivision which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the appropriate County Register of Deeds.
30. **REPLAT.** The further subdivision of a lot or parcel of land previously subdivided, whether the further subdivision results in more lots or fewer lots.
31. **RIGHT-OF-WAY:** A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one (1) point to another. Rights-of-way may include streets and roads including roadway easements, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.
32. **SETBACK LINE.** (Also known as **BUILDING SETBACK LINE.**) The required zoning distance between a building and the lot line.
33. **SIDEWALK.** A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
34. **STREET.** Land dedicated for public use, from right-of-way line to right-of-way, which affords a primary means of access to the abutting property. Streets may be categorized in a hierarchy or conceptual arrangement of streets based on function.

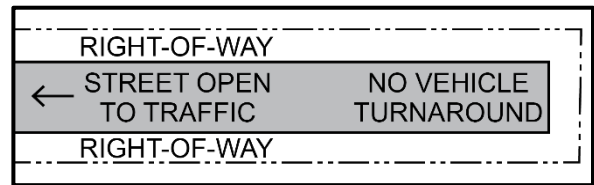
- A. ALLEY. A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.
- B. ARTERIAL STREET. Street or highways intended to provide for through traffic movement between areas of the City or across the City.
 - 1. MAJOR ARTERIALS. Usually imply relatively high speeds and traffic volumes and are often subject to control of access to individual properties.
 - 2. MINOR ARTERIALS. Generally intended to provide trips of moderate lengths and imply lower operating speeds and more frequent points of local access than major arterial streets.

C. COLLECTOR STREET. A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.



Cul-de-sac

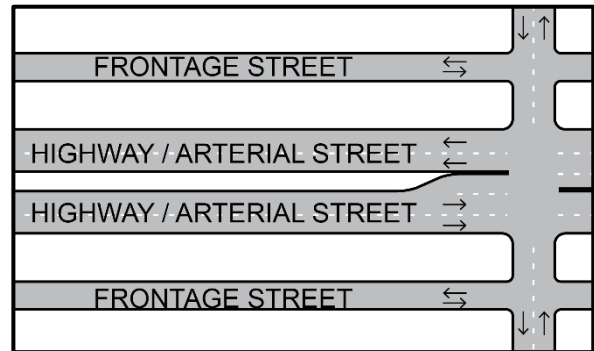
D. CUL-DE-SAC. A local street with only one (1) outlet and with an opposite end providing for the reversal of traffic.



Dead-end Street

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. EXPRESSWAY. A major street with limited access for high traffic speeds and volumes designed to move traffic around the City rather than through it.

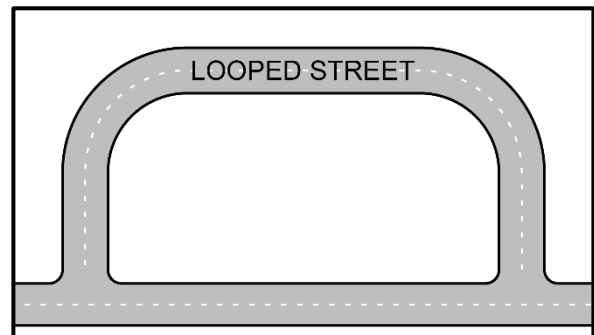


Frontage Street

G. FRONTAGE STREET: Minor streets which are parallel to and adjacent to major streets or highways and provide access to the abutting properties and protection from through traffic.

H. LOCAL STREET. A street which is used primarily for access to the abutting properties.

I. LOOPED STREET. A continuous local street without intersecting streets and having its two outlets connected to the same street.



Looped Street

J. STREET, CURVILINEAR. A street which deviates from straight alignment and changes direction without sharp corners or bends.

K. STREET, PRIVATE. An open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties.

35. **STREET, DESIGNED.** A future street designated on the Comprehensive Development Plan to ensure traffic carrying capacity between neighborhoods, connections between neighborhoods and major activity centers, and accommodation of major through traffic. Such streets may be designated as collectors, arterials, or expressways with the tentative location of the street shown on the Transportation Plan included in the City's Comprehensive Development Plan.
36. **SUBDIVIDER.** an individual, firm, association, corporation, trust, or any other legal entity commencing proceedings under this Ordinance to affect a subdivision of land.
37. **SUBDIVISION.** The dividing or merging of lots, tracts, or parcels into different lots, tracts, parcels, or other units of land for title transfer or development, when one (1) or more of the resultant lots is equal to ten (10) acres or less.
38. **SUBDIVISION AGREEMENT.** An agreement between a subdivider and the City which clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed upon terms and requirements.
39. **TURNAROUND.** A surfaced area for the turning of vehicles at the end of a temporary dead-end street or road.
40. **VARIANCE:** A relaxation of the terms of the Subdivision Ordinance 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 Ordinance would result in unnecessary and undue hardship.
41. **ZONING DISTRICT.** A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Ordinance.
 - A. **ZONING BASE DISTRICT.** A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. No more than one (1) Base Zoning District shall apply to any individually platted lot or parcel.
 - B. **ZONING OVERLAY DISTRICT.** A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
42. **ZONING ORDINANCE.** The Zoning Ordinance of the City of Kimball, and all updates to the Zoning Ordinance adopted by City Council Ordinance.
43. **ZONING PERMIT.** A permit required by the City and issued by the City Administrator or their designee to be obtained by any person engaged in any activity governed by the regulations set forth in this Ordinance.

11.04. Applicability.

1. These regulations shall apply to all land located within the corporate boundary of the City and all land located within the one-mile extraterritorial zoning boundary of the City.
2. Each separate principal use building within the planning area of the City shall be situated on a separate and single subdivided lot of record.
3. No subdivision of land, except those hereinafter exempted, shall be permitted within the City Planning Area unless a plat is approved in accordance with the provisions of this Ordinance.
4. These Regulations shall apply not only to subdivision as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivision is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.

11.05. Interpretation, Conflict, and Severability.

1. These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Kimball, or any applicable state or federal law, the more restrictive provision shall apply.
2. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, state, or federal ordinance or statute.

11.06. Exemptions.

These regulations shall not apply in the following instances:

1. The division of land for agricultural purposes into parcels or tracts of more than ten (10) acres and not involving any new streets or easements of access.
2. Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
3. Any transfer of title by operation of eminent domain or court ordered partition or decree.

11.07. Fees.

All fees regarding the subdivision procedure shall be set by a separate ordinance. Subdivider shall be responsible for all review and inspection fees regarding a subdivision.

11.08. Procedure.

Any person, partnership, or corporation intending to subdivide land within the city's planning jurisdiction shall submit plans and plats as required by and specified by this Ordinance to City Staff, the Planning Commission and the City Council for review and approval. Application requirements and procedures are listed below:

1. Administrative Subdivision.

The intent of this section is to provide for lot subdivisions, lot combinations, and boundary adjustments which result in not more than two lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The City Administrator or their designee shall review the administrative plat application and make a final determination. The City Administrator or their designee may approve or disapprove administrative plats in accordance with the following regulations.

- A. Requests for an Administrative Plat approval shall be made by the owner or a designated representative of the land to the City Administrator or their designee. Two (2) copies of the Administrative Plat shall include the following:
 1. A survey of the lot(s).
 2. Location and precise nature of any structures located thereon, if any.
 3. Location and dimensions of the proposed administrative plat.
 4. A notarized surveyor's statement signed and acknowledged by a registered land surveyor.
 5. A signature block for the Kimball County Register of Deeds, pursuant to Section 11.08.1.A.5.B.
 6. A signature block for the Kimball County Surveyor, pursuant to Section 11.08.1.A.5.B.

7. A signature block for the Kimball County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 11.08.1.A.5.B.
 8. A signature block for the approval and signature of the City Administrator or their designee and the Mayor and attested to by the City Clerk, pursuant to Section 11.08.1.A.5.B.
- B. Disapproval of administrative plats shall be based on the following guidelines:
1. A new street or alley is needed or proposed.
 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 3. Such action will result in significant increases in service requirements or will interfere with maintaining existing service levels.
 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Plan unless such dedication can be made by separate instrument.
 5. All easement requirements have not been satisfied.
 6. Such action taken during an administrative plat will result in a tract without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
 8. The lot has been previously split in accordance with this Ordinance.
- C. No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
- D. Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's office showing all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
- E. The City Administrator or their designee shall, in writing; either approve the Administrative Plat with or without conditions or disapprove the Administrative Plat and state the reasons thereof, within a reasonable time of application.
- F. After approval from the City Administrator or their designee all copies must be certified by all applicable parties and two (2) copies filed with the City prior to the issuance of a zoning permit.
2. Pre-Application Procedure.
- A. Before filing a preliminary plat the subdivider shall consult with the City Administrator or their designee for advice regarding general requirements affecting the proposed development.
 1. A sketch of the proposed subdivision drawn on the topographical survey map shall be submitted.
 2. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.
 - B. The City Administrator or their designee shall inform the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations.

- C. The pre-application procedure does not require formal application, fee, or filing of plat with the City Administrator or their designee.
3. Subdivider shall submit an application for a change of zone (if required) as outlined in the Zoning Ordinances for the City of Kimball.
4. Preliminary Plat & Application Contents.

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

- A. A vicinity map shall be submitted showing the following:
 1. The perimeter outline of the proposed subdivision. The location of all existing and proposed accesses to the proposed subdivision.
 2. The location and name of all roads and highways within five hundred feet (500') of the perimeter of the proposed subdivision.
 3. The perimeter outline and identification of subdivisions, zoning districts, and any special districts within five hundred feet (500') of the perimeter of the proposed subdivision.
 4. The perimeter outline and identification of any floodplains or floodways within five hundred feet (500') of the perimeter of the proposed subdivision.
 5. Plans for the development of the entire area if the proposed plat is a portion of a larger holding intended for subsequent development, including preliminary engineering plans for all improvements for the entire holding.
- B. A preliminary plat shall be submitted at a scale of 1"=100' showing the following:
 1. Name of subdivision, owners of the property and legal description.
 2. Name and address of subdivider.
 3. Name of person(s) who prepared plat, and data thereof.
 4. Name of the engineer, landscape architect or surveyor.
 5. Names of utility companies to be involved.
 6. North arrow, scale, graphic scale, and date prepared.
 7. Sheet Number and total number of sheets. Name of subdivision on each sheet.
 8. The location and dimension in feet for property lines, lot lines, and building setback lines.
 9. Names and dimensions of all existing and proposed streets, rights-of-way, sidewalks and trails and pavement widths-within subdivision and two hundred feet (200') thereof, with access route depictions showing:
 1. Right-of-way widths (according to current Comprehensive Plan and street design standards)
 2. Paving width (according to current Comprehensive Plan and street design standards)
 3. Length of cul-de-sacs and turn-around diameter
 4. Approximate grades
 5. Tangent length
 6. Angle of intersection

7. Curve data and interior angle
 8. Street name or number
 10. The locations and sizes of existing and proposed utility lines, including water and sewer lines, and any other utility installations, including underground natural gas, electrical, or telephone lines adjacent to within the proposed subdivision, or the locations of the nearest available such utilities.
 11. Existing and proposed topographic contours (preliminary grading plan) at two (2) foot intervals if the average slope is less than five (5) percent and at five (5) foot intervals if the average slope is five (5) percent or more.
 12. Estimates and type of temporary erosion control measures necessary to control erosion during construction if subdivision is one acre or greater.
 13. The location of existing tree clusters and trees with trunks nine (9) inches in diameter or greater measured two feet above the ground.
 14. An indication of any area subject to flooding as determined by flood hazard insurance maps of the jurisdiction.
 15. Location and dimensions of any proposed sites, parks, or other lands reserved or required to be reserved for public use in accordance with the Comprehensive Plan and these subdivision regulations.
 16. Proposed and existing easements, dedications, and reservations of land.
 17. Total acreage of land to be subdivided and square feet in each lot, with total lot acreage meeting requirements set forth in specific district regulations.
 18. Minimum building setback lines.
 19. A legend stating the total acreage, the number of lots, a computation of lot density, and the total lineal feet of streets and alleys.
- C. Additional information to be submitted with the Preliminary Plat shall include the following:
1. A description of the types of uses proposed for the subdivision.
 2. A summary explaining how the developer will address any problems or concerns that were identified in the sketch plan.
 3. A statement describing the ownership, function, and maintenance of any open space or park within the proposed subdivision.
 4. A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.
 5. A description of the proposed sewage disposal system and gallons per day of estimated sanitary waste to be created.
 6. A preliminary drainage report, including calculations of the quantity of storm water runoff of the proposed tract before development and a preliminary estimate of the location and amount of storm water runoff after full development of the site, including the location and direction of proposed surface water drainage shown on the preliminary grading plan, as well as the size and capacity of any proposed detention or retention areas.
 7. A certified accurate survey by engineer or professional land surveyor.
 8. The proposed method of financing with an estimate of the infrastructure construction costs related to the proposed subdivision. Cost estimates shall include, but not limited to the following:

1. Streets and related facilities.
 2. Water distribution systems.
 3. Storm drainage facilities.
 4. Sewage collection systems.
 5. Other utilities and infrastructure as may be required.
 9. A list of any covenants, grants of easements, and restrictions imposed upon any land, buildings, and structures within the proposed subdivision.
 10. A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the Kimball County Assessor to the owners of property of the surface estate within three hundred feet (300') of the property subject to the application. The applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
5. Final Plat Application & Contents:

The preliminary plat must be approved by the City Council before a final plat can be submitted. A final plat shall be submitted for approval within one year of the date a preliminary plat has been approved by the City Council unless an extension of time is granted by the City Council within the one year's time. The final plat shall conform to the approved preliminary plat. The Council may approve a modified final plat if changes reflect improvements in design and do not reflect a relaxation or reduction in requirements from the preliminary plat.

- A. The final plat shall be submitted with the information required in the preliminary plat and in addition the following information:
1. Two (2) reproducible mylar copies and one (1) reduced 11x17 copy mylar. All with final signatures in black ink.
 2. One (1) paper copy of the plat, one (1) electronic pdf copy, and one electronic CAD copy of the plat.
 3. One (1) reduced copy of the plat 8 ½" x 14" in size with three (3) inches of blank space on the short side of the paper.
 4. Location by specific legal description indicating boundary lines with accurate lengths, angle and bearing, based upon an accurate traverse, boundary lines having been determined by a balanced and closed survey conducted in the field.
 5. Tract boundary lines, rights-of-way of all streets, alleys and other rights-of-way, property lines of all lots and other sites with dimensions given in feet and hundredths of a foot.
 6. Location, dimension in feet (and hundredths of a foot) of all easements together with the purpose for each.
 7. Radii, central angles, tangents, lengths of arcs, curvature angles at street intersections, and a complete street traverse of each street within and on the perimeter of the plat.
 8. Accurate location, size and type, and material of all monuments, an indication whether such monuments were found or set, and the elevation of at least one such monument based on USGS datum.
 9. All lot and block numbers.
 10. Accurate outlines of any area to be dedicated or reserved for public use, dedicated areas for storm water management or acquisition with the purposes indicated thereon, and any area to be reserved by covenant or deed restriction for the common use by the owners of the subdivision.

- B. Additional information to be submitted with the Final Plat shall include the following:
1. A storm water management plan providing quantities of surface drainage and methods for complying with engineering standards.
 2. A statement indicating if on-street parking will be permitted within the proposed subdivision.
 3. If the applicant is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent from the appropriate public agency stating it will accept the lands to be dedicated.
 4. A list of any covenants, grants of easement, and restrictions imposed upon any land, buildings and structures within the proposed subdivision.
 5. A copy of a Nebraska Department of Transportation access permit if a new street intersects with a state highway.
 6. A certificate from the County Treasurer showing no delinquent taxes for the final plat area.
 7. A title commitment or a title option covering all public dedications.
 8. A warranty deed, if required, deeding to the appropriate entity any lands to be used for the benefit of the public or owners of this subdivision.
 9. The final plat shall contain the following certificates and seals:

1. Certificate of Dedication, Ownership, and Maintenance:

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

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

Executed this _____ day of _____, 20____.

(Owner, Mortgagee, or Lienholder)

The foregoing dedication was acknowledged before me this _____ day of _____, 20____.

My Commission expires _____

Notary Public

Witness my hand and seal

2. Surveying Certificate:

I, _____, a registered Professional Land Surveyor in the State of Nebraska do hereby certify that the survey represented by this plat was made under my personal supervision and checking. I further certify that the survey and this plat complies with all applicable rules, regulations, and laws of the State of Nebraska.

By: _____
Registered Land Surveyor Date

3. Certificate of Approval by the City Council:

This plat is approved by the City Council of the City of Kimball, Nebraska. Approval of this plat does not constitute acceptance of any dedication. Witness my hand and the corporate seal of Kimball, Nebraska this ____ day of _____, 20__.

Mayor, City of Kimball, Nebraska

ATTEST:

By: _____ Dated: _____
Kimball City Clerk

6. Vacation of Plat.

A. An owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:

1. The Plat to be vacated is a duly recorded Final Plat or Replat.
2. The vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.

B. Procedure:

1. The owner shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof.
2. The Planning Commission shall study the proposal and shall send recommendations to the City Council.
3. The City Council shall approve or deny the proposal.
 1. If the proposal is approved (approved by ordinance), it shall then be recorded in the office of the Kimball County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation.
 2. If the proposal is disapproved, the City Council shall state which of the reasons stated in 11.08.6.A require such disapproval.
4. The applicant shall be allowed to submit a new application upon proving the reason or reasons for disapproval have been corrected.

7. Replat Process.

A. The Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgement of the Planning Commission, all the following conditions are met:

1. The previous preliminary and final plats have been vacated following the procedures outlined in this Ordinance.

2. The Replat results in ten (10) or fewer lots.
 3. The Replat does not conflict with the intent of these regulations.
 4. A separate submission will not serve the public interest and a Replat will not conflict.
- B. Replats shall:
1. Be discussed with the Planning Commission at a scheduled pre-application Conference.
 2. Be submitted to the City Clerk at least 21 days prior to the next regular meeting of the Planning Commission at which request is to be heard.
 3. Be accompanied by the applications fees and completed application forms as required.
 4. Follow the procedure set forth for herein and contain the required Preliminary and Final Plat information.
- C. Disapproval of Replats shall be based on the following guidelines:
1. A new street or alley is needed or proposed.
 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 3. Such action will result in significant increases in service requirements or will interfere with maintaining existing service levels.
 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 5. All easement requirements have not been satisfied.
 6. Such action taken during a replat will result in a tract without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
- D. Changes required by the Planning Commission, during the Planning Commission's public hearing, shall be made prior to submission to the City Council. Replats shall be submitted to the City Clerk prior to the start of construction and at least 15 days prior to the next regular meeting of the City Council. The City Council shall review and act on the Replat at a public hearing. Notice for such hearing shall be posted at least 10 days prior to the hearing in a paper of general circulation in the City of Kimball. The City Council shall, in writing; either approve the Replat with or without conditions or disapprove the Replat and state the reasons thereof.

11.09. Public Hearing & Notification Process.

The City shall conduct the following public hearings and provide the following notifications related to requests for subdivisions:

1. The property to be subdivided will be posted according to State Statute.
2. Notification will be mailed to all property owners within three hundred feet of the proposed subdivision setting forth a description of such subdivision, all scheduled hearing dates and describing the process to accept public comment.
3. The Kimball County Planning Commission shall be given at least thirty (30) calendar days to review and comment on all plats located beyond the corporate boundary of the City.
4. The board of education shall be given ten (10) day notice of all proposed subdivisions requiring a public hearing.

5. The Board of Public Works shall be given ten (10) day notice of all proposed subdivisions requiring a public hearing.
6. A public hearing will be held by the City of Kimball Planning Commission followed by a public hearing held by the city council upon receiving the recommendation of the planning commission regarding all proposed preliminary and final plats not herein exempted.

11.10. General Guidelines.

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

1. Demand for the type of uses at the site in question.
2. Effect upon adjacent land uses.
3. Potential for traffic congestion or traffic hazards.
4. General suitability of the site in question for the development proposed.
5. The development proposed shall conform to the zoning regulations for the zoning district in which it lies.
6. The development proposed shall be in harmony with the City's Comprehensive Development Plan.
7. The development shall meet the general intent of Section 11.11: Design Guidelines. of this Ordinance.
8. Each lot in a subdivision shall abut a public street unless otherwise recommend by the Planning Commission and on exception approved by the City Council.
9. All subdivision designs shall indicate that consideration was given for economic aspects of maintenance of safe, convenient, comfortable and attractive community facilities.
10. After the effective date of these regulations, no newly subdivided lot shall have access to an arterial road as such road is indicated in the Comprehensive Plan.

11.11. Design Guidelines.

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

1. Electrical and Communication Utility Lines:
 - A. All electric and communication utility lines, such as telephone and cable T.V., and services and all street lighting circuits shall be installed underground, except for the following:
 1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground and street lighting facilities.
 2. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
 3. Existing and new overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines.
 4. Lines for which, in the opinion of the Planning Commission, underground installation is infeasible or too costly. Poles for permitted overhead lines shall be placed in rear lot line easements.
 5. It shall not be necessary to remove or replace existing utility facilities used or useful in serving the subdivision.

B. Deviations from requirements, other than those listed above, shall be permitted only with the approval of the City Council who shall make such approval only in cases of extreme difficulty.

2. Sidewalks.

A. Sidewalks shall be constructed within a subdivision where required by the City Council.

B. Sidewalks shall have a minimum width of five (5) feet when offset is at least three (3) feet from back of curb. When sidewalks are offset less than three (3) feet from back of curb, minimum sidewalk width shall be six (6) feet.

C. The City may require wider minimum sidewalk widths in accordance with the Master Trail Plan. When required, additional costs for the excess width will be negotiated between the Subdivider and the City.

3. Streets.

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All streets shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classification and Standards.

A. Street names shall have the names of existing streets when they are aligned.

B. Right-of-way, street grade, and paving design shall be in conformance with minimum standards in Schedule A, as approved by the City Engineer.

Schedule A: Minimum Street Standards

Street Classification	Minimum Right-of-Way (ft.)	Minimum Pavement Width (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.)
Major Arterial	100	45	4	6	510
Minor Arterial	100	45	4	6	510
Collector	80	39	2	8	200
Local	60	32	2	10	100
Frontage	50	25	2	10	100
Cul-de-sac Radius	60	50	2	10	200
Turnaround Alley	20	20	2	-	-

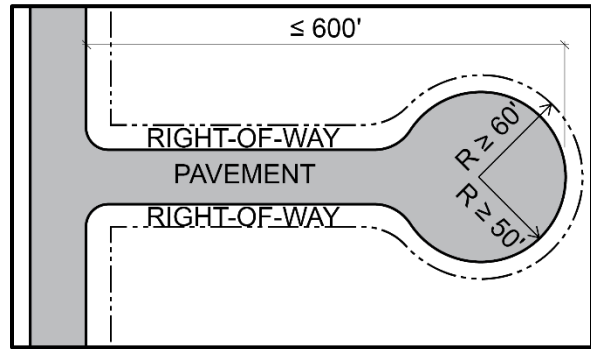
C. Consideration shall be given to street and right-of-way widths such that minimum sidewalk requirements are maintained.

D. Arterial streets and collector streets shall be properly integrated with the existing and proposed system of streets and highways.

E. No subdivision shall prevent the extension of arterial and collector streets through and beyond the subdivision in a direction away from the center of a nearby City. The subdivider may plat and design the collector streets not extended on the Comprehensive Plan subject to approval of the Planning Commission.

F. Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.

G. Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length and shall be posted as a non-through street. The terminating end of a cul-de-sac shall have a turn-around with a minimum right-of-way radius which conforms with the minimum design standards in Schedule A.



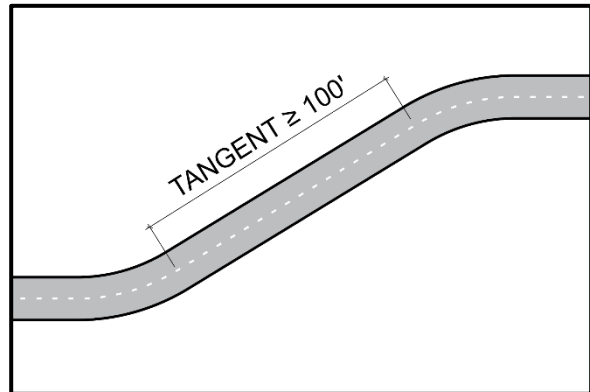
Cul-de-sac Dimensions

H. The Planning Commission and City Council may require dedicated passage (alleys) in commercial and industrial districts for off-street loading and service access.

I. Local streets may be designed for extension beyond the subdivision shown on the Preliminary Plat submitted for approval, unless the adjoining land is land locked without road access, or for some other reason access is desired by the Planning Commission or City Council.

J. Curves in Streets -Horizontal and Vertical:

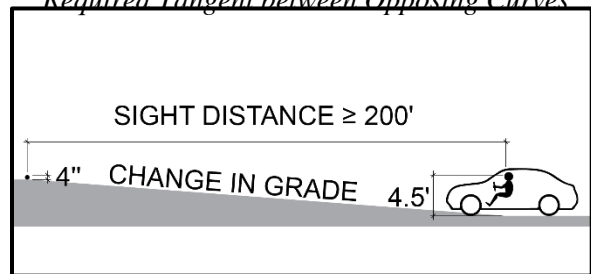
1. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.



Required Tangent between Opposing Curves

2. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance, as outlined by the Nebraska Department of Transportation, shall be made.

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



Required Sight Distance with Grade Change

4. Intersection of Streets.

A. Streets shall intersect each other at as nearly as possible at an angle of 90 degrees as topography and other limiting factors of good design permit.

B. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

C. Arterial Streets shall not be intersected by local streets or alleys.

- D. The number of intersections along community arterials or highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.
 - E. Where a subdivision fronts on an arterial street, the Planning Commission shall, where possible, require frontage roads. Where lots back up to an arterial street and such lots have access by means other than the arterial street, a frontage road may not be required.
 - F. Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than 75 feet, or more at the discretion of the City Engineer.
 - G. Street jogs with center lines offset less than 150 feet shall be avoided.
 - H. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 25 feet.
 - I. Street curb intersections shall be rounded by radii of at least 20 feet. Larger intersection radii may be required in industrial or commercial area or when directed by the City Engineer. When the smallest angle of intersection is less than 75 degrees, a larger curb radius may be required at the discretion of the City Engineer.
5. Easements.:
- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide. Lot dimensions should be increased to accommodate development, when necessary.
 - B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
6. Blocks.
- A. The length, widths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not as a general rule exceed 600 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.
 - B. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across the block 600 feet or more in length where deemed essential, in the opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities. Said pedestrian ways shall be dedicated to the public use unless other written agreement, deed restriction, etc., guarantees maintenance. To the extent practical subdivision design should give high priority to the convenience and safety of the pedestrian.
7. Lots.
- A. The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and proper architectural setting for the building contemplated.
 - B. Minimum lot dimensions for "Residential" type subdivisions shall conform to the requirements of the City Zoning Regulations.
 - C. Where residential lots border a railroad right-of-way the depth of adjacent lots shall be increased by at least 25 feet more than the otherwise required minimum.

11.12. Required Improvements.

The following subdivision improvement are required by the City of Kimball:

1. General Requirements.

- A. The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the Planning Commission and City Council upon recommendation of the City Engineer.
- B. The work shall be done under the supervision and inspection of the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with the standard specifications of the City currently in force or as approved by the City Engineer.
- C. All inspection costs and costs for required tests shall be paid by the subdivider.

2. Curbs and Gutters:

- A. Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the Commission in accordance with the terms of this Ordinance.
- B. Curbs and gutters shall be designed and constructed in accordance with standard specifications of the City.

3. Culverts.

Culverts shall be constructed and installed whenever necessary as determined by the Commission to provide adequate drainage in accordance with recommendations of the City Engineer.

4. Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. The following requirements and improvement plans shall be provided:

A. Drainage Report:

A subdivision plat other than an administrative subdivision, as herein defined, shall not be considered for final approval until the subdivider shall submit a drainage report prepared by a registered professional engineer or surveyor as to the existing and proposed drainage conditions. A preliminary report shall be included on the preliminary plat. The final report in conformance with the City's storm sewer design standards shall be attached to the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

1. The preliminary plat report shall include:

- 1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision.
- 2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
- 3. A preliminary grading plan illustrating proposed drainage management.

2. The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm.

B. Drainage Requirements:

The subdivider shall provide adequate drainage facilities within the subdivision, including storm sewers determined to be necessary by the Commission upon recommendation of the City Engineer. If storm sewers are not necessary, all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters, and similar or related installations necessary to provide adequate surface water drainage, shall be constructed and installed in accordance with plans approved by the Council upon recommendation by the City Engineer.

C. Drainage System Standards:

1. All streets shall be provided with an adequate storm drainage system of curbs, gutters, and storm sewers or side ditches in conformance with the City's storm sewer design standards.
2. Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers a drain inlet structure and a protective grating shall be installed.
3. All streets having curbs and gutters on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

D. Storm Drain Responsibility:

The subdivider shall be responsible for the entire cost and expense for the construction of all storm drain systems; provided, however, that the City, through the City Council, may agree to contribute to and pay up to one-half the difference in cost as determined at the time of approval between the storm drain system requiring a storm drain thirty-six inches (36") in diameter and one requiring a storm drain over thirty-six inches (36") in diameter for plats located within the city limits, or to be annexed with final plat approval.

1. The City contribution shall be limited to the available funds appropriated for such purposes in the current fiscal year's budget.
2. If requests for such subsidies exceed available funds appropriated for such purposes, the City Council may establish, by resolution, a system of priorities upon which to base City contributions.
 1. The dollar amount of City participation for a particular subdivision shall be determined by the City Council as of the date of acceptance of the final plat of such subdivision and shall be set forth in the ordinance approving and accepting such final plat.

2. The City's agreement to make such a contribution shall lapse if the storm drains are not constructed by the subdivider within two years after the date of acceptance of the final subdivision. The subdivider shall be responsible for the installation and maintenance of open ditches for surface drainage where permitted.

5. Landscape Screens.

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

6. Lighting; Street and Pedestrian.

- A. New subdivision lighting shall utilize underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall conform to installation specifications required by the Nebraska State Electrical Code.
- B. The City shall provide and install streetlights at each entrance (vehicular or pedestrian) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by the Municipal Energy Agency of Nebraska or the City Engineer.
- C. Nonstandard light fixtures may be approved by Planning Commission and City Council at the expense of the Subdivider.

7. Monuments.

Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points except in cases where it is deemed clearly unreasonable by the City. The monuments shall be of such material, size, and length as may be approved by the City.

8. Pavement Construction.

- A. Minimum requirements for pavement construction shall be in accordance with the standard specifications of the City or as approved by the Planning Commission and City Council.
- B. Higher design standards may be required by the Planning Commission and City Council to provide adequately for unusual soil conditions or extraordinary traffic volumes or other abnormal characteristics.
- C. All streets shall be paved in accordance with the standards specifications.

9. Pavement Widths.

- A. Pavement widths shall be measured from back of curb to back of curb.
- B. Minimum pavement or surface widths shall be provided in accordance with standard specifications of the City or as approved by the Planning Commission and City Council.

10. Sanitary Sewage Disposal.

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

A. Type of Improvements:

1. Within the corporate limits of the City, a sanitary sewer collection system, including all pipes and manholes, shall be provided, and said collection system shall be connected to the public sewage system in accordance with plans acceptable to the City Engineer, Planning Commission, and City Council.

2. Within the jurisdictional areas of the City but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public sewer, either existing or to be existing within one (1) year from the date of application for final plat approval, that said sewer is located within five hundred feet (500') of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than one hundred fifty (150) percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.
3. If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the City Council, City Engineer, and appropriate to the Nebraska Department of Environmental and Energy may be used. If on-site disposal is proposed, the subdivider shall document that acceptable percolation rates do exist on each lot, and such lots shall be adequately sized to allow for the installation and safe operation of such systems.

B. Design Standards:

1. When applicable, improvement plans for a permanent sewage system shall be provided, showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities if applicable, lift stations if applicable, and the location, type, and size of all lift or pumping stations.
2. Design standards of said system shall be subject to the approval of the City in accordance with the following standards:
 1. At least eight-inch (8") PVC sewer lines will be installed.
 2. At least four-inch (4") service connections from the sewer line to the property line of each lot will be installed with the location marked.
 3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size.
 4. Design standards of said system shall be in general compliance with the requirements of the Nebraska Department of Environment and Energy.

11. Sidewalks.

- A. Sidewalks shall be provided in conformance with standard specifications of the City and shall be constructed of Portland cement concrete or other acceptable material as approved by Planning Commission.
- B. Sidewalk thickness shall not be less than four inches (4").
- C. Sidewalks shall be constructed on any undeveloped lot within six (6) months, by the owner, after a directive from the City.

12. Street Grading.

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

13. Street Signs.

At least one (1) street sign shall be installed at each street intersection on the perimeter of and within the subdivision. Each street sign shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches (6") from said sidewalk or its intended location. Street name signs of a type in use throughout the City shall be provided and installed by the City.

14. Water System.

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The following requirements shall apply:

A. Type of Improvements:

1. Within the corporate limits of the City, a water distribution system, including all pipes, fire hydrants, valves, and other appurtenances shall be provided, and said distribution system shall be connected to the public water system in accordance with plans acceptable to the City Engineer, Planning Commission, and City Council.
2. Within the jurisdictional area of the City but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one (1) year from the date of application for final plat approval, that said water line is located within five hundred feet (500') of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than one hundred fifty (150) percent of the cost of installing an individual water supply system for all lots, then adequate connecting lines to said public water system shall be constructed.
3. If the subdivision is not so located relative to a public water line, individual wells may be installed.

B. Design Standards:

1. When applicable, improvement plans for a permanent water system shall be provided, showing pipe sizes, type of pipe, locations of fire hydrants and valves, and, if applicable, supply facilities, booster pumps, elevated or ground level storage tanks, and other appurtenances. Fire hydrants and valve brand must comply with requirements of the City and City Engineer.
2. Design standards of said system shall be subject to the approval of the City in accordance with the following standards:
 1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Generally, water lines shall be PVC material of at least six inches (6") in diameter.
 2. The maximum distance between fire hydrants shall be determined by the City, but generally any portion of the proposed subdivision shall be within two-hundred-fifty feet (250') of a fire hydrant.
 3. A valve shall be installed in all directions at all tee-connecting and cross-connecting water lines. This means three valve at each tee and four valves at each cross connection.
 4. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than five hundred feet (500') to be out of service in high value districts or eight hundred feet (800') in other districts.

5. Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.
3. Design standards of the water distribution system shall comply with the requirements of the Nebraska Department of Environment and Energy.

11.13. Over-Sized and Off-Site Improvements.

The utilities, street pavement, and other improvements required for the proposed subdivision may be required to be over-sized or extended to serve nearby land or anticipated future development. This determination shall be made by the Planning Commission and City Council in consultation with City Staff, the Utilities Department, and the City Engineer.

1. Cost of Over-Sized Improvements

- A. Minimum street pavement widths for streets shall conform to the standards established by the City. Minimum utility sizes shall be determined by the standards of the City for providing service to the subdivision in question. Where pavement widths or larger pipe or main sizes are deemed necessary by the Planning Commission and City Council, the City shall bear the extra cost of providing such greater width or larger pipe or main sizes.
- B. The subdivider shall be required to pay for 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 City Council. The City shall pay the remainder of the costs.
- C. If traffic control devices at intersections on the periphery of the subdivision are deemed necessary by the Planning Commission, City Council, or other regulating entities, the City and subdivider shall negotiate payment responsibilities.

2. Extensions

- A. The subdivider may be required to extend the necessary improvements to the boundaries of the proposed subdivision at his/her expense to allow for service to future anticipated developments on adjoining lands, as determined by the Planning Commission and City Council.
- B. If streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in Section 11.13.1 of this Ordinance and the Planning Commission determines that extensions across undeveloped areas are not warranted, the subdivider, if he/she wishes to proceed with the development, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the final plat. Such improvements shall be available for connections by subdividers of adjoining lands.

11.14. Variances.

1. The Planning Commission may recommend, and the City Council may grant variances from the provision of the regulations in this Ordinance. No such variance shall be authorized by the board of adjustment unless it finds all the following conditions are met:
 - A. The strict application of the regulations would produce undue hardship.
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
 - D. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No variance shall be authorized unless the board of adjustment finds that the condition or situation of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

2. The requirement of filing and recording a plat for subdivision shall not be waived.
3. The Planning Commission and City Council may also grant reasonable variances to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development. The subdivider shall indicate where their plans vary from these regulations and shall present sufficient evidence to support their request, indicating why their request will not be detrimental to the public health, safety and welfare.

11.15. Final Plat Development Requirements.:

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

11.16. Violation; Penalty.

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

11.17. Public Improvements; When Installed.

- A. All approved subdivisions must be developed with all required public infrastructure within five (5) years of the date of subdivision approval. If an alternative timeline is presented for installation of public infrastructure by this Ordinance or other regulating factors, the more constrictive timeline must be followed. However, an extension may be requested.
- B. All approved subdivisions must install all required public infrastructure prior to developing any property located within the subdivision. With approval of the City Council the installation of public infrastructure may be completed in city block increments.