

# **City of Scottsbluff, Nebraska**

**Tuesday, February 17, 2015**

**Regular Meeting**

## **Item Resolut.1**

**Council to consider an Ordinance text change limiting the areas that may be subdivided without improvements (second reading).**

**Staff Contact: Annie Folck, City Planner**

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH SUBDIVISIONS AND IMPROVEMENTS REQUIRED, AMENDING §21-1-21, §21-1-27, and §21-1-34, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:**

Section 1. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

**“21-1-21. Streets, alleys; conformance to Future Street Extensions map.**

As to all matters not specified by ordinance, all streets and alleys shall conform to such Future Street Extensions map in the City’s Comprehensive Plan as the City Council may adopt.”

Section 2. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

**“21-1-27. Improvements; requirements; general.**

Construction of all improvements required by this Article shall apply in every subdivision hereafter platted that is within the corporate limits of the City or is proposed to be annexed into the corporate limits of the City, and every existing street or alley of the City that abuts such subdivision. However, some, or all, of the improvements required by this Article may not be required in a subdivision hereafter platted if the applied for subdivision is located outside the City’s corporate limits but within two (2) miles thereof and is within a designated area as set forth in the City’s Comprehensive Plan. The City’s Comprehensive Plan will designate areas outside of the corporate limits of the City where applied for subdivisions may not be required to have some or all of the improvements required by this Article.

In any event, the improvements referred in this Article must be constructed in the subdivision in accordance with the requirements in this Article.

All improvements required by this Article shall be constructed by the person proposing the subdivision at his or her own expense. Construction shall not be commenced until after plans and specifications, and contracts, if any, therefor have been approved by the Planning and Building Official, and shall be completed in accordance with the plans, specifications and contracts. Provided further, anything in the foregoing provisions of this section to the contrary notwithstanding, the requirements in this section are subject to the exceptions set forth in the City’s Comprehensive Plan, or stated in sections 21-1-28 to 21-1-30, inclusive, and section 21-1-40.

The applicant shall submit all construction documents representing “As-Constructed” conditions. Each drawing shall be stamped “As-Constructed” and shall be dated. Submit one (1) original mylar and two (2) copies of the black and white or blue and white prints. In addition, drawings shall be on 3½ inch diskette or CD ROM in AutoCAD format, latest version.”

Section 3. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

**“21-1-34. Same; completion of subgrade; improvement; paving stops.**

Upon completion of the subgrade, the roadbed of every street and alley shall be improved, at a minimum, with the following material:

Street, Arterial: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete (PCC) or, alternatively, a 4-inch stabilized base course with a 4-inch asphaltic concrete wear surface (placed in maximum 2-inch lifts).

Street, Collector: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete

(PCC) or, alternatively, a 4-inch stabilized base course with a 4-inch asphaltic concrete wear surface (placed in maximum 2-inch lifts).

Street, Other: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete (PCC) or, alternatively, a 4-inch stabilized base course with a 2-inch asphaltic concrete wear surface.

Provided, concrete paving stops, which shall be not less than five (5) inches in thickness and one hundred (100) feet in length, shall be constructed at all approaches of asphaltic concrete streets to intersections with arterial or collector streets. Concrete curb and gutter also shall be constructed on all streets referred to in this section.

Provided further, that the City Planner may waive the requirements of this section for areas outside of the Corporate City limits, but any waiver by the City Planner must be limited to those areas designated in the City's Comprehensive Plan as areas where the improvements described in this section are not required.

Section 4. Previously existing Sections 21-1-21, 21-1-27, 21-1-34 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** on \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

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Deputy City Attorney