

## Chapter 26.23

### DEVELOPMENT STANDARDS

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#### **26.23.010 General Requirements and Minimum Standards.**

The general requirements and minimum standards of design and development set forth in this chapter are hereby adopted as the minimum requirements and standards to which a subdivision and plat thereof must conform prior to approval. All rules, regulations, and design standards referred to herein shall be adopted and amended by the City Council by resolution, within ninety days after the effective date of this ordinance, and filed with the City Clerk. (Ord. 13157 §42; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

#### **26.23.020 Conformity to the Comprehensive Plan.**

The subdivision shall conform to and be in harmony with the comprehensive plan. (Ord. 11370 §1; May 19, 1975).

**26.23.030 Relation to Adjacent Street System.**

The streets in a subdivision shall be aligned horizontally and vertically with existing streets adjacent to or lying near the subdivision. Where there are no adjoining subdivisions in existence at the time of subdivision review, proper projection of streets from the subdivision into adjacent land shall be provided by the subdivider. If topographic conditions make said continuation, projection, or width impractical, an exception to this section may be made by the city. All streets within and abutting the subdivision shall be of a width not less than the minimum requirements for streets established in this chapter. (Ord. 14565 §19; December 15, 1986: prior Ord. 13956 §16; September 17, 1984: Ord. 13157 §44; June 29, 1981: Ord. 11370 §1; May 19, 1975).

**26.23.040 Street and Other Public Way Widths.**

(a) The width of all rights-of-way shall conform to the widths prescribed herein and shall be determined pursuant to the comprehensive plan.

(b) The minimum right-of-way widths shall be as follows:

<b>Classification</b>	<b>Width</b>
Major streets .....	As shown or described for such streets in the Comprehensive Plan*
Collector streets .....	72 feet
Local streets:	
Commercial, business, or industrial zoning district .....	66 or 72 feet (In accordance with design standards)
Residential .....	60 feet
Cul-de-sacs:	
Residential .....	60-foot radius
Commercial, business, or industrial .....	66- or 72-foot radius (In accordance with design standards)
Alleys .....	20 feet
Pedestrian ways .....	15-foot easement for the sidewalk
Bikeways .....	20-foot easement

\* The typical cross sections for major streets having a width of 120 feet and 130 feet are set out in Figures A, B and C at the end of this chapter.

(Ord. 20114 §1; December 8, 2014: prior Ord. 18688 §1; March 20, 2006; Ord. 18114 §1; January 13, 2003: Ord. 14565 §20; December 15, 1986: Ord. 14302 §1; January 13, 1986: Ord. 13956 §17; September 17, 1984: Ord. 13591 §2; May 9, 1983: Ord. 13298 §1; January 18, 1982: Ord. 13157 §45; June 29, 1981: Ord. 11370 §1; May 19, 1975).

**26.23.050 Street and Utility Location.**

The location of major streets shall conform to the comprehensive plan. The location and arrangement of streets and alleys shall be such as to provide reasonable access to adjoining property and facilitate the platting of adjoining property. Wastewater collectors, storm drains, and water mains shall be designed and constructed to connect to the existing appropriate facilities and reasonably accessible to adjoining property. (Ord. 13157 §46; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

**6.23.060 Collector Streets.**

A collector street shall not directly connect two major streets unless specifically approved by the city. Collector streets shall be located so as to provide access to local streets and to serve only the neighborhood in which they are located. (Ord. 13157 §47; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

**26.23.070 Local Streets.**

All local streets shall be designed to serve the uses within the subdivision only and not designed so as to generate traffic other than that which serves the adjoining property. (Ord. 11370 §1; May 19, 1975).

**26.23.080 Dead-end Streets.**

All permanent dead-end streets shall have a sixty foot minimum radius turnaround, except the turnaround may be modified when the dead-end street is a continuation of a temporary dead-end street and access to the street is not desirable and is not required for the lots in the proposed subdivision. Dead-end streets shall not have more than a potential of forty dwelling units nor be longer than 1,000 feet as measured from the centerline of the intersected street on a direct line to the farthest point of the cul-de-sac. (Ord. 13956 §18; September 17, 1984; prior Ord. 13157 §48; June 29, 1981; Ord. 11370 §1; May 19, 1975).

**26.23.085 Alleys.**

Alley shall not be provided in a residential block except if unusual conditions exist and only if in the best interest of the public. Alleys may be required in the rear of business lots. (Ord. 11370 §1; May 19, 1975).

**26.23.090 Streets Adjoining Unsubdivided Property.**

Dedication of half-width streets is discouraged and will not be approved unless it is in the public interest to do so or it is an extension of an existing platted street. When streets within a subdivision adjoin unsubdivided property, a half-street at least thirty feet in width may be dedicated to the public. Lots abutting on said dedicated half-street shall be designated as outlots and be nonbuildable until the remainder of the street is dedicated to the public; except buildings may be constructed upon lots that front both a half-street and a full-width street, provided that access is to the full-width street. Whenever the unsubdivided property becomes subdivided and adjoins a half-street, the remainder of the street shall be dedicated. (Ord. 13157 §49; June 29, 1981; prior Ord. 11370 §1; May 19, 1975).

### **26.23.095 Sidewalks.**

Concrete sidewalks shall be constructed in pedestrian ways and on both sides of all streets, including collector and major streets, in compliance with applicable design standards of the city. The city may approve alternate locations for sidewalks pursuant to the following criteria:

(a) The location of the alternate sidewalk must be predominantly parallel to the street where the standard sidewalk would have been required.

(b) The alternate sidewalk shall be illuminated and connected at its extremities to the sidewalk located in the abutting street.

(c) Sidewalks shall be constructed to the limits of the subdivision in the abutting streets.

(d) The minimum length of the sidewalk allowed to be placed in the alternate location shall not be less than 660 feet.

(e) The distance between the alternate sidewalk location and the standard sidewalk location shall not be greater than fifteen percent of the total length of the alternate sidewalk.

(f) An easement permitting public use of the sidewalk and ensuring continual maintenance and availability to the public of the sidewalk shall be provided for all sidewalks approved at alternate locations and located outside of the public right-of-way. (Ord. 14565 §21; December 15, 1986: prior Ord. 13157 §50; June 29, 1981).

### **26.23.100 Utility Installations.**

Provisions shall be made in accordance with Chapter 26.11 of this title for the installation of street surfacing; ornamental street lights; the installation of a complete system of sanitary sewers, including the extensions of the sanitary sewer to the appropriate existing public sanitary sewer; a complete system of storm sewers, including the extensions to the appropriate existing storm sewer or to a point where the storm sewer can be properly discharged; and a complete system of water mains, including extensions from the appropriate existing public water main to the subdivisions. (Ord. 11370 §1; May 19, 1975).

### **26.23.105 Drainage.**

The area to be subdivided shall be designed and laid out so as to provide proper and sufficient drainage. The storm drain system shall adequately drain the subdivision and shall be constructed to allow the storm water to flow by gravity from the subdivision to an adequate outlet.

Unless waived by the Director of Public Works and Utilities, provisions shall be made to limit the peak rate of storm water discharged from the subdivision in accordance with design standards.

Building areas shall be protected from storm water from a 100-year storm when such building area is adjacent to an open drainage channel, overland flow route, or detention/retention facility. (Ord. 17617 §5; February 22, 2000: prior Ord. 16950 §12; March 11, 1996: Ord. 16187 §2; August 10, 1992: Ord. 13157 §51; June 29, 1981).

### **26.23.110 Street Names.**

All public streets and private roadways shall be named or numbered in conformance with the following:

(a) Where they are continuations of existing streets, the existing street name shall be used.

(b) Proposed street names shall not duplicate or approximate phonetically the name of any existing street in Lincoln or its environs.

(c) Streets running predominantly straight north and south shall be numbered consecutively in sequence with adjacent streets, except upon approval of the City.

(d) North-south numbered streets east of First Street and north of "O" Street shall be preceded by the word "North," and those north-south streets south of "O" Street and east of First Street shall be preceded by the word "South." North-south numbered streets west of First Street and north of "O" Street shall be preceded by "N.W.," and those north-south streets south of "O" Street and west of First Street shall be preceded by "S.W."

(e) All streets running east-west shall be named or given a letter designation where applicable. All east-west streets west of First Street shall have their name preceded by the word "West."

(f) Diagonal or curvilinear streets shall be named.

(g) The names or designation of cul-de-sacs shall be given the suffix "Circle," "Court," "Place," or "Bay." (Ord. 17053 §1; August 26, 1996: prior Ord. 13157 §52; June 29, 1981: Ord. 11370 §1; May 19, 1975).

### **26.23.120 Easements.**

Easements shall be provided and dedicated where necessary for wires, cables, conduits, fixtures and equipment for distribution of electric power, wastewater collectors, storm drains, overland stormwater flow routes, sidewalks, pedestrian ways, bikeways, private roadways, and water mains at such locations and widths as determined by the city. The width of easements required for public wastewater collectors, storm drains, and/or water mains shall be as specified in the design standards for the particular improvement adopted by the city. It is the policy of the city to locate all necessary utilities in the right-of-way or in easements abutting rear or side lot lines, except on double frontage lots. Deviations from this policy may be made when it is demonstrated that the utility is necessary and no practical alternative locations exist. Easements shall be provided along each side of a stream, watercourse, or river for the purpose of preserving area designated for compensatory storage where required in the floodplain or floodprone area, or for establishing a minimum flood corridor or a surface drainage course along that stream, watercourse, or river when the area adjacent thereto is being subdivided; such easements shall be of a width deemed necessary by the city. The easement is for the purpose of widening, deepening, sloping, improving, cleaning, or protecting the stream, watercourse, or river for drainage purposes. Said easement shall be provided in appropriate locations as determined by the city for the purpose of permitting the flow and storage of flood water. Minimum flood corridors shall be preserved and dedicated along drainage ways which have a defined bed and bank or drain an area equal to or greater than 150 acres, for purposes of preserving riparian vegetation and preventing encroachment within the corridors by buildings, fill, or structures; provided, however, that encroachments within the corridors will be permitted in accordance with Chapter 2.05 (Stormwater Drainage Design Standards) of the City of Lincoln Design Standards and Flood Design Criteria. Within the Existing Urban Area, minimum flood corridors shall not be required within the FEMA-mapped floodplain.

In any dedication of an easement, the city may prohibit or restrict buildings, fences, driveways and other improvements; may enter for construction, reconstruction, replacement, repair, operation, and maintenance purposes; and will be held harmless for the cost of replacement or damage to any improvement or vegetation within the easement and may make any other appropriate or necessary requirements. (Ord. 18354 §1; May 10, 2004: prior Ord. 17617 §6; February 22, 2000: Ord. 13157 §53; June 29, 1981: Ord. 11370 §1; May 19, 1975).

**26.23.122 Easements and Dedications in Final Plats of Land Zoned BTA Overlay District.**

In addition to the easement provisions of Section 26.23.120, blanket easements or other effective methods of reserving rights for future use of land for streets and public utilities shall be included as part of any final plat for the Acreage Component of a community unit plan located in the BTA Overlay District. In addition, easements or dedications shall be provided for corridors or other lands designated in the transitional preliminary plat for future streets, infrastructure, or utility extensions. (Ord. 18455 §4; October 11, 2004).

**26.23.125 Pedestrian Way.**

A pedestrian way shall be required when a block exceeds 1,000 feet in length and where needed for pedestrian traffic. In subdivisions which have outlots reserved for common open space or private roadways, the pedestrian way easement shall be located in an outlot. In subdivisions which do not have outlots reserved for common open space or private roadways, the 15-foot pedestrian way easement shall be placed ten feet on one lot and five feet on the adjoining lot. (Ord. 20114 §2; December 8, 2014; prior Ord. 11370 §1; May 19, 1975).

**26.23.130 Block Sizes.**

(a) Block lengths shall not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block. Block lengths shall not exceed 1,000 feet in neighborhoods originally platted prior to December 31, 1949.

(b) The block length shall be determined by measuring along the property line of any block and dividing by two. For blocks with a cul-de-sac street, the perimeter measurement may cross the street rather than proceedings along the property line of the cul-de-sac. (Ord. 20114 §3; December 8, 2014; prior Ord. 13157 §54; June 29, 1981; Ord. 11370 §1; May 19, 1975).

**26.23.140 Lot.**

(a) Minimum lot width and area requirements shall conform to the zoning ordinance, Title 27 of this code. Double frontage residential lots permitted under subparagraph (e) below which abut a major street with at least 60 feet of right-of-way from the centerline of the street shall have a minimum depth of 110 feet. Double frontage residential lots permitted under subparagraph (e) below which abut a major street with less than 60 feet of right-of-way from the centerline of the street shall have a minimum lot depth of 120 feet. The minimum depth of all other residential lots shall be ninety feet, except where the existing lot does not meet this requirement and the lot depth is not further reduced. Any lot in the O-1, O-2, O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 districts which has a minimum width of at least 100 feet shall have a maximum depth of five times its width. Any residential lot in the R-3 district which does not meet the required minimum lot area, average lot width, or yard requirements in Table 27.15.080(a) shall have a maximum depth of four times its width. Any other lot shall have a maximum depth of three times its width. However, the Planning Director may modify this requirement where the lot is occupied or intended to be occupied by a portion of a duplex or townhouse structure. An existing lot which does not comply with said lot width-to-depth ratios may be subdivided so as to increase such lot's width, decrease such lot's depth, or both, even though such lot does not thereafter fully comply with the lot width-to-depth ratio as set forth above.

(b) The lot arrangement and design of the subdivision shall be such that all lots shall provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.

(c) The side lines of any lot shall be at right angles to the street or radial, if the street is curved, except where a variation will provide a better street and lot layout.

(d) Residential corner lots shall be wider than other residential lots to the extent necessary to permit the establishment of front yards along both of the abutting streets. Corner lots fronting on major street intersections and other acute angle intersections which are likely to be dangerous to traffic movement shall have a curved line radius of twenty (20) feet at the street corner.

(e) The residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with a double frontage; i.e., a lot fronting on two non-intersecting public streets. However, in circumstances where the subdivision abuts a major street, double frontage lots may be permitted when no frontage road exists adjacent to or abutting on the major street and access from the lot is only to the local street. Where double frontage lots are allowed, the subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot to the major street and place covenants and restrictions upon the land to run with the land relinquishing said access as approved by the City Attorney's office.

(f) A lot used for commercial, industrial, business, or nonresidential purposes with at least 660 linear feet of frontage on a major street may have access to the major street only if a safe access point is available and approved by the city. If a safe access point is not available, or if said lot does not have the required linear feet of frontage, an access road abutting the major street constructed to a width approved by the city shall be dedicated to provide access to said lot.

An exception to the foregoing front foot requirements shall be permitted in the case of a replat or resubdivision of a lot where either the lot does not have 660 linear feet of frontage, or the distance between cross-streets is less than 660 linear feet. In such event, if safe access to the major street can be provided, the access road requirement may be waived.

(g) Every lot shall front upon and have access to a public street, except:

(1) Lots located in any zoning district may front upon and take access to a private roadway if said private roadway has been approved either in connection with a use permit under the provisions of Title 27 or with a subdivision of property in conformance with all the requirements of this title;

(2) Lots shown within the boundaries of an approved community unit plan under Chapter 27.65, an approved planned unit development under Chapter 27.60, an approved special permit for Planned Service Commercial under Chapter 27.63, or an approved use permit under any chapter of the Lincoln Municipal Code that requires a use permit may front upon and take access to a private road or take access via a permanent access to and from a public street or private roadway, provided such access is dedicated in the final plat creating said lots. Residential lots shall be required to have a dedicated public access easement. Nonresidential lots may have either a dedicated public or private access easement.

(3) Lots which front upon a major street may be required to take access to said major street through an access road to be dedicated in the final plat creating said lots. In such event, direct access to the major street shall be relinquished.

(h) A corner lot abutting a temporary dead-end street may be required to relinquish direct vehicular access to the temporary dead-end street when the lot is the only lot fronting on the temporary dead-end street within the same block. (Ord. 20114 §4; December 8, 2014: prior Ord. 19393 §1; June 7, 2010: Ord. 19332 §1; November 16, 2009: Ord. 19233 §3; April 20, 2009: Ord. 19048 §2; March 3, 2008: Ord. 18502 §18; February 14, 2005: Ord. 17324 § 2; April 20, 1998: Ord. 14565 §21; December 15, 1986: Ord. 13956 §19; September 17, 1984: Ord. 13591 §3; May 9, 1983: Ord. 13157 §55; June 29, 1981: Ord. 12945 §2; June 30, 1980: Ord. 12880 §1; March 31, 1980: Ord. 11370 §1; May 19, 1975).

**26.23.150 Underground Utilities.**

All utilities, including electrical distribution systems, communications systems, television antenna systems, and street lighting distribution systems shall be placed underground throughout the subdivision, if compatible with then-existing feeder and distribution systems servicing or located on the subdivision. (Ord. 11370 §1; May 19, 1975).

**26.23.160 Parks, Fire Stations, Libraries, Bikeways, Easement Along Streams, and Other Public Areas.**

(a) In subdividing property, consideration shall be given to suitable areas for schools, parks, playgrounds, fire stations, libraries, and other common areas for public use in conformance with the comprehensive plan.

(b) The City may require subdividers to provide for the neighborhood park land needs of its future residents by dedicating suitable land for neighborhood parks, subject to the following conditions:

(1) The subdivider shall be reimbursed from Neighborhood Park and Trail Impact Fees for the value of the land being dedicated in accordance with Lincoln Municipal Code Section 27.82.090(1), (2) and (3)(i) and (ii).

(2) The maximum amount of land that can be required to be dedicated per unit for neighborhood parks is as follows:

<u>Housing Type</u>	<u>Acres/Unit</u>
Single-Family Detached	0.00558
Townhouse	0.00460
Duplex	0.00414
Multi-Family	0.00328
Mobile Home Court (per pad site)	0.00474

(3) The area to be dedicated shall be shown on the preliminary plat and final plat. (Ord. 18802 §1; September 18, 2006: prior Ord. 18114 §2; January 13, 2003: Ord. 13157 §56; June 29, 1981: Ord. 11370 §1; May 19, 1975).

**26.23.170 Character of Development.**

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, roadways, street lighting, recreational facilities, stormwater drainage, and storage facilities, or other physical facilities (“private improvements”) on outlots which are necessary or desirable for the welfare of the area and which are of common use or benefit and which the city does not maintain, the Subdivider shall be responsible for the proper maintenance and supervision of the outlots and private improvements on a permanent and continuous basis and shall retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on said permanent and continuous basis. However the Subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent continuous association of property owners who would be responsible for said maintenance obligation provided that all such maintenance agreements are incorporated in covenants and restrictions in deeds to the subdivided property, and the documents creating the association and the restrictive covenants have been

reviewed and approved by the City Attorney and filed of record with the Register of Deeds. Notwithstanding the above, the Subdivider shall not be relieved of this maintenance obligation for each specific private improvement until the registered professional engineer or nurseryman who supervised installation of said private improvement has certified to the City that the improvement has been installed in accordance with the approved plans and relevant standards. (Ord. 18502 §19; February 14, 2005; prior Ord. 11370 §1; May 19, 1975).

**26.23.181 Flood Regulations for Development in Existing Urban Area.**

All platting or subdivision of land allowed by the city within a floodplain shall meet the conditions of Chapter 26.24, "Flood Regulations for Existing Urban Area." (Ord. 18354 §2; May 10, 2004; prior Ord. 13157 §57; June 29, 1981).

**26.23.185 Flood Regulations for Development in New Growth Areas.**

All platting or subdivision of land allowed by the city within a floodplain or floodprone area shall comply with the requirements of Chapter 26.25, "Flood Regulations for New Growth Areas." (Ord. 18354 §3; May 10, 2004).

**26.23.190 Construction Activity.**

No person shall engage in construction activity without a permit in conformance with Chapter 28.01. Any person who engages in construction activity in violation of the provisions contained in this section or Chapter 28.01 shall be subject to a stop work order to cease and desist such activity.

Earth moving shall be kept to a minimum to protect and preserve the existing trees and grasses and to keep erosion to a minimum. Graded and otherwise disturbed land shall be stabilized to prevent erosion. Trees that are to remain shall be protected to prevent damage to them during construction and development of the subdivision. (Ord. 18947 §9; June 25, 2007; prior Ord. 18187 §2; June 2, 2003; Ord. 17617 §7; February 22, 2000; Ord. 13157 §58; June 29, 1981).

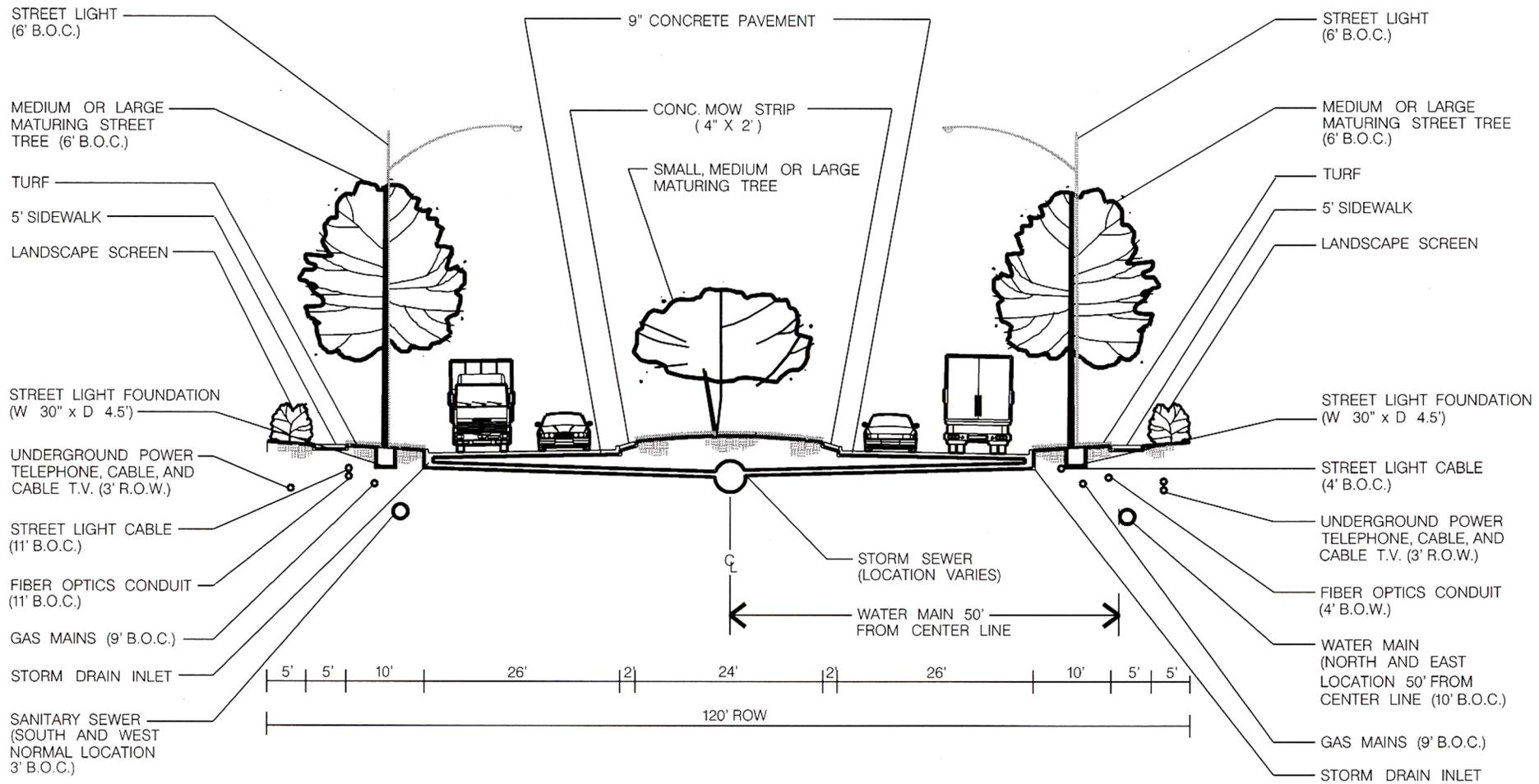


FIGURE A: TYPICAL STANDARD FOR MAJOR STREETS 120' OR MORE IN WIDTH

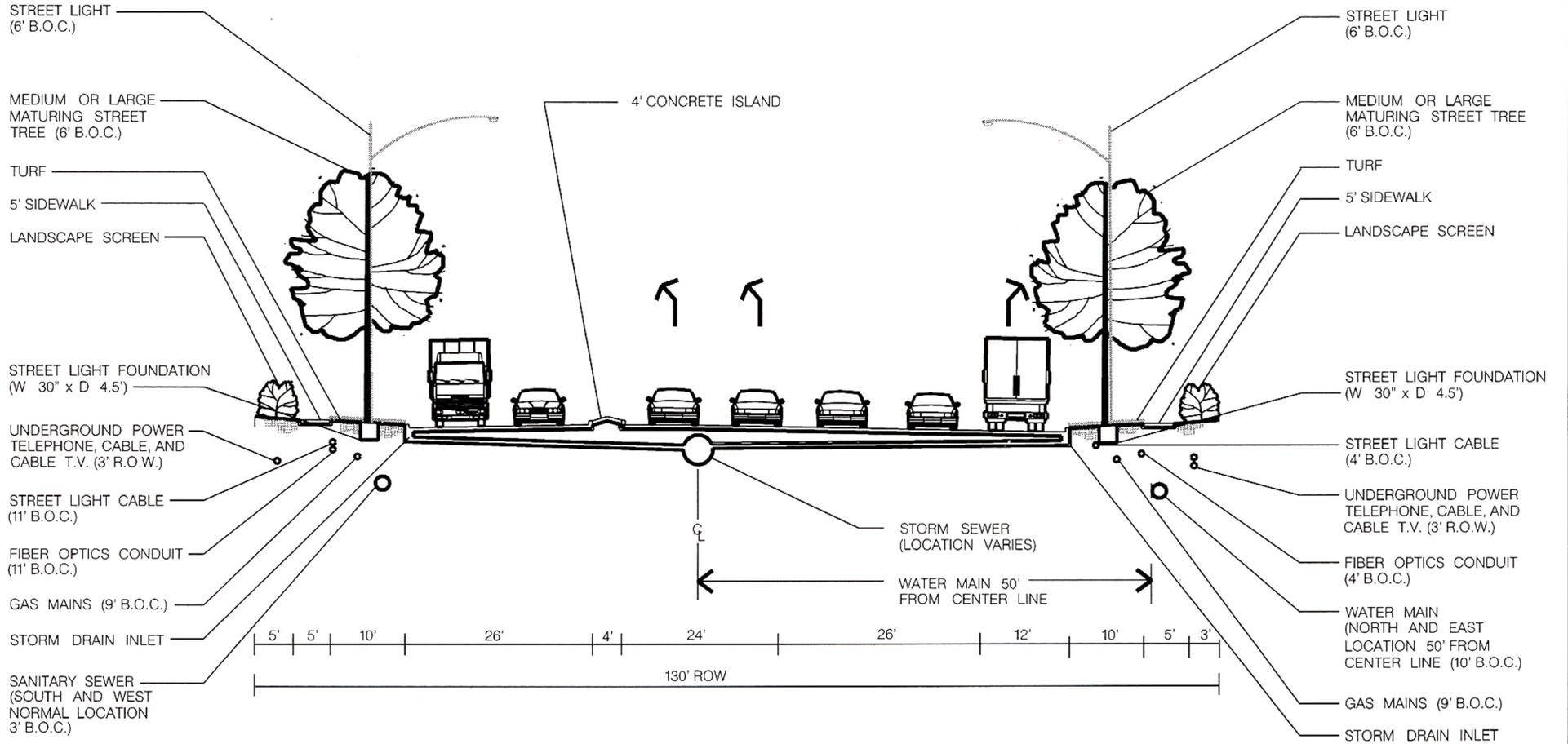


FIGURE B: TYPICAL STANDARD FOR MAJOR STREETS 130' OR MORE IN WIDTH

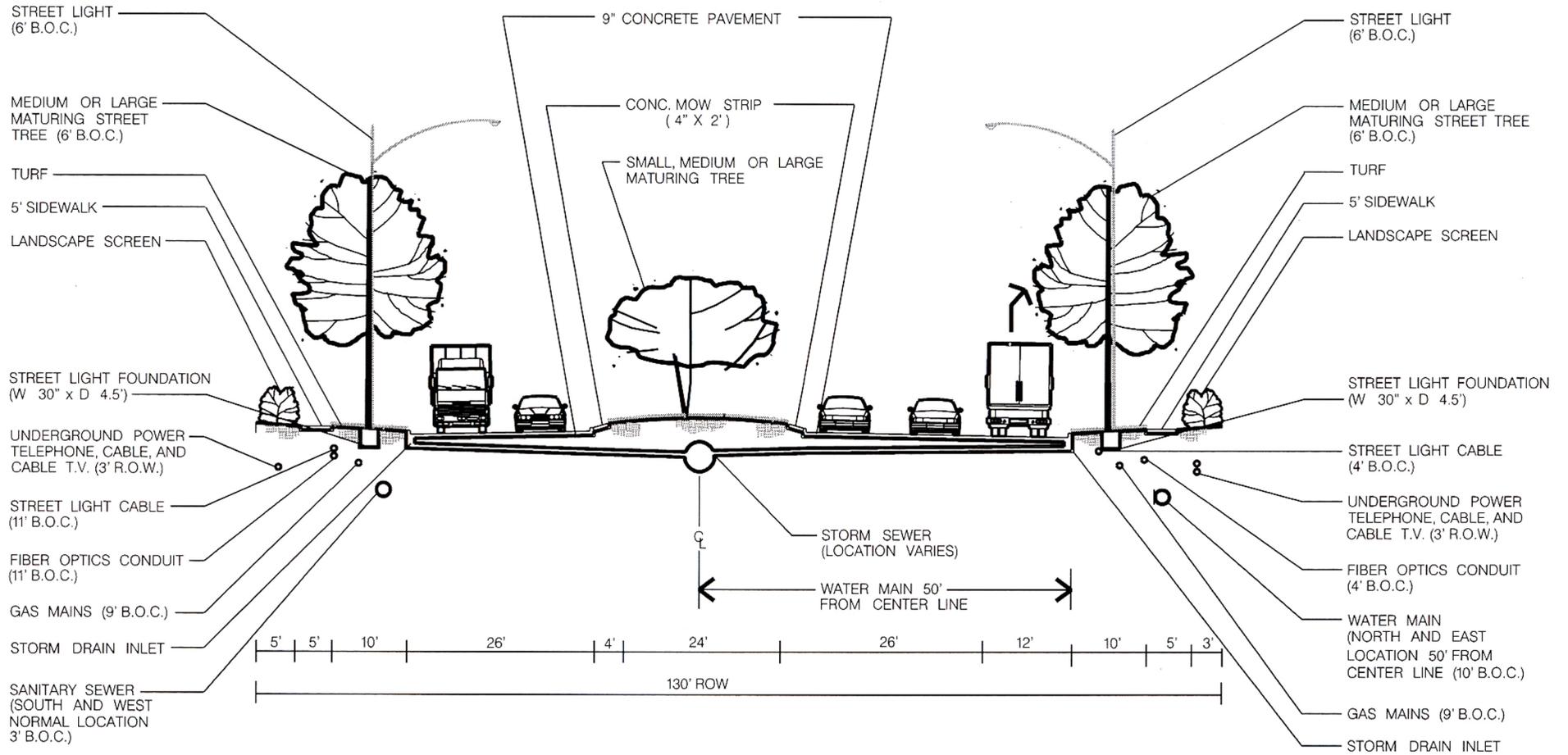


FIGURE C: TYPICAL STANDARD FOR MAJOR STREETS 130' OR MORE IN WIDTH (REQUIRED RIGHT TURN LANE)