



**PLANNING COMMISSION AGENDA  
REGULAR MEETING  
MONDAY, JANUARY 18, 2016**

**STUDY SESSION: 4:30 P.M. - CITY COUNCIL CHAMBERS  
MEETING: 5:00 P.M. - CITY COUNCIL CHAMBERS**

1. Call to Order.
2. Roll Call.
3. Elect a Chair and Vice-Chair in accordance with Commission By-laws.
4. Public comment period. The general public is invited to address the Planning Commission regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Dispense with the reading and approve the minutes of the December 21, 2015, Regular Meeting as prepared.
6. Hear a presentation and receive input on the City's 1 and 6 Year Street Improvement Plan.
7. Receive a report from the Future Land Use Plan Evaluation Subcommittee.
8. Review and consider amendments to Article 5 of the draft Unified Development Ordinance.
9. Adjournment.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

**PRESENT:** Chairman, Dev Sookram Commissioners, Amber Barton, Bryan Fagan, Brad Fooker, Marty Gifford, Carl Nielsen, Mitch Sawyer, and Brian Wiese, and Planning Director, Troy Anderson

**ABSENT:** , Commissioner, Tom Winter.

1. Call to Order. Chairman Sookram called the meeting to order at 5:00 p.m.
2. Roll Call. A roll call showed eight (8) members present and one (1) absent – a quorum was established.

Chairman Sookram then read the following statement: This meeting was preceded by publicized notice in the Fremont Tribune, the agenda displayed in the lobby of the Municipal Building and posted online at [www.fremontne.gov](http://www.fremontne.gov) in accordance with the Nebraska open meetings act, a copy of which is posted continually in the council chambers for public inspection and said meeting is open to the public. A copy of the agenda was also kept continually current and available to the public in the principle office of the Department of Planning, 400 East Military Avenue. The Planning Commission reserves the right to adjust the order of items on this agenda. This meeting is hereby declared to be duly convened and in open session.

3. Public comment period.

Chairman Sookram opened the floor to public comments.

Dan Martinez, agent for Robert & Debra Menn, approached the Commission and informed them that his clients request for zoning change was recently denied by City Council based on inconsistencies with the Future Land Use Plan and asked the Commission to reevaluate the Future Land Use Plan.

Hearing no other comments, Sookram closed the floor and proceeded onto the regular agenda.

4. Minutes of the November 16, 2015, Regular Meeting.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

**Motion:** It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

5. Consider a request of Daniel Coates, on behalf of Robert & Carolyn Weiss, owner of approximately 10,000 square feet located at 2246 N Broad St., for approval of a Conditional Use Permit for Auto Sales.

Chairman Sookram read the item into the record. Sookram then proceeded to open the floor to public hearing. Hearing none, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

**Motion:** It was moved by Commissioner Sawyer, and seconded by Commissioner Wiese, to recommend approval of the Conditional Use Permit. A roll call vote showed all members present voting aye – the motion carried unanimously.

6. Consider an amendment to the 23<sup>rd</sup> & Bell Redevelopment Plan to identify a specific project, within the redevelopment area, to be known as the Fountain Springs Estates Housing Redevelopment Project, obtain public comment, and make a recommendation to the Community Development Agency (CDA) of the City of Fremont.

Chairman Sookram read the item into the record. Sookram then proceeded to open the floor to public hearing.

Heather Carver, Associate Attorney at Cline Williams Wright Johnson & Oldfather, introduced the redevelopment plan and provided a brief history of the blight study, the proposed development plans, and a few details surrounding the developer's request for tax increment financing.

Hearing other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing none, Sookram entertained a motion.

**Motion:** It was moved by Commissioner Fooker, and seconded by Commissioner Wiese, to recommend approval of the redevelopment plan based on the following:

1. The projects location within the redevelopment area,
2. The promotion of the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the Act and the Redevelopment Plan adopted by the City of Fremont, and
3. Conformance with the general plan for development of the City of Fremont as a whole as set forth in the City of Fremont Comprehensive Plan.

A roll call vote showed all members present voting aye – the motion carried unanimously.

7. Review and consider amendments to Article 5 of the draft Unified Development Ordinance.

Planning Director Anderson introduced proposed amendments to Article Five [Part 1 of 2] of the draft Unified Development Ordinance (UDO) including:

1. Reorganization;
2. Elimination of subcategories associated with administrative subdivisions;
3. Elimination of prohibition associated with lots located in drainage easements;

4. Elimination of variable building pad requirements for lots greater than 20,000 SF; and
5. General word-smithing.

Hearing no further comments, Sookram concluded discussion of the item and proceeded to the next item on the agenda.

Chairman Sookram then asked if there was any other business of the Commission.

Commissioner Fooker suggested forming a subcommittee for evaluating the City's Future Land Use Plan. Fooker asked for volunteers and Commissioner's Fagan, Gifford, and Nielsen volunteered (along with Commissioner Fooker). The Future Land Use Plan Evaluation Subcommittee was then formed and advised the chairman that they would meet and prepare an update for the next regularly scheduled meeting of the Commission.

Hearing no further business, Chairman Sookram adjourned the meeting at approximately 5:46 p.m.

APPROVED:

---

Dev Sookram, Chairman

ATTEST:

---

Troy Anderson, Planning Director

# Staff Report

**TO:** Planning Commission  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** January 18, 2015  
**SUBJECT:** 1 and 6 Year Street Improvement Plan

---

**Background:** Consideration of a 1 and 6 Year Street Improvement Plan (Plan) is an annual process used to further identify specific street projects that the City should undertake in the next few years. This is required by the State of Nebraska in order to utilize state/federal money for projects and to utilize gas tax revenue.

This Plan conforms to the transportation element of the Comprehensive Plan. Staff recommends hearing the presentation and providing input on the Plan as part of a recommendation to City Council.



# 1 & 6 YEAR STREET IMPROVEMENT PROGRAM

## 1ST YEAR 2016

Main Street - 1st to 3rd Street	\$150,000
Park Avenue - 2nd Street to Military Avenue	\$550,000
16th Street - Colson Avenue to Nye Avenue	\$55,000
1st Street - Luther Road to Johnson Road	\$1,362,000
6th Street - Marvin Court to M Street	\$220,000
Johnson Road - Peterson to 16th Street Roundabout	\$475,000
Pedestrian Traffic Signals-7	\$325,000
Luther Road & Morningside Road Intersection	\$75,000
Johnson Road Trail	\$514,000
Hancock Street - 16th to 19th Street	\$425,000
Bell Street Viaduct-Cuming Street to South Base of Viaduct	\$325,000
Ridge Road Trail	\$1,271,000
Broad St and Cloverly Rd Intersection, Traffic Signal	\$75,000
<b>TOTAL 1ST YEAR</b>	<b>\$5,822,000</b>

## 2ND THROUGH 6TH YEAR 2017-2021

West 23rd BNSF RR Viaduct	\$27,000,000
Rawhide Creek Trail	\$607,000
Garfield Street - 16th to 19th Street	\$300,000
Mayfair Avenue - 16th to 19th Street	\$300,000
Pierce Street and South Street	\$850,000
Broad Street & Cloverly Road Intersection	\$150,000
Railroad Quiet Zone	\$1,100,000
23rd/Bell/Yager Intersection	\$10,000,000
East Military Avenue - Grant to Clarmar Avenue	\$200,000
Broad Street - 16th to 23rd Street	\$300,000
Bell Street - Linden Avenue to 23rd Street	\$700,000
Pierce Street - Military to Linden Avenue	\$600,000
32nd Street - Yager to Luther Road	\$1,300,000
Luther Road - Military to 23rd Street	\$2,000,000
Ridge Road and Extend Jones Drive, Box Culvert	\$150,000
1st Street - Bell Street to Luther Road	\$1,600,000
Johnson Road - Morningside to Fremont Drive	\$400,000
Yager Road & 29th Street Intersection	\$10,000
Military Avenue - Luther Road to US Highway 275	\$1,510,000
20th Street - Nye Avenue to H Street	\$250,000
Reynolds Road - Clarkson to 2 Blocks East	\$250,000
Westside Addition Street Paving	\$1,365,000
19th Street - Somers to Nye Avenue	\$110,000
US 77 Bypass	N/A
Broad Street & Military Avenue Intersection	\$400,000
County Road U Bridge	\$225,000
<b>TOTAL 2ND THROUGH 6TH YEAR</b>	<b>\$51,677,000</b>

**PROJECTS COMPLETED IN 2015**

Historic Lighting	\$280,000
27th Street and Lincoln Avenue Box Culvert	\$150,000
Broad Street - Widening 5th to 10th Street	\$1,100,000
Alley Between 5th and 6th St and Platte Ave and Logan St	\$45,000
Handicap Ramps - CDBG	\$435,000
Brooks Hollow - Interior Roads	\$180,000
Ritz Lake - Interior Roads	\$600,000
Luther Road - 34th Street to 38th Street (Ritz Lake)	\$100,000
<b>TOTAL PROJECTS COMPLETED IN 2014</b>	<b><u>\$2,890,000</u></b>

Board of Public Roads Classifications and Standards  
**Form 8 Summary of One-Year Plan**  
 Year Ending: 2016

Sheet 1 of 1

County: Dodge		City: Fremont		Village:	
PRIORITY NUMBER	PROJECT NUMBER	LENGTH (Nearest Tenth)	UNIT OF MEASURE	ESTIMATED COST (Thousands)	REMARKS
1	M-291 (218)	0.2	Miles	150	Main St-1 <sup>st</sup> to 3 <sup>rd</sup> St
2	M-291 (219)	0.4	Miles	550	Park Ave-2 <sup>nd</sup> to Military Ave
3	M-291 (216)	0.1	Miles	55	16 <sup>th</sup> St-Colson to Nye Ave
4	M-291 (186)	1.0	Mile	1,362	1 <sup>st</sup> St-Luther to Johnson Rd
5	M-291 (217)	0.2	Miles	220	6 <sup>th</sup> St-Marvin Ct to M St
6	M-291 (226)	0.5	Miles	475	Johnson Rd-Peterson Ave to 16 <sup>th</sup> St Roundabout
7	M-291 (918)	N/A	N/A	325	Pedestrian Traffic Signal
8	M-291 (220)	0.1	Miles	75	Luther Rd & Morningside Rd Intersection
9	M-291 (903)	1.2	Miles	514	Johnson Rd Trail
10	M-291 (224)	0.2	Miles	425	Hancock St-16 <sup>th</sup> to 19 <sup>th</sup> St
11	M-291 (922)	0.3	Miles	325	Bell Street Viaduct-Cuming St to South Base
12	M-291 (921)	2.7	Miles	1,271	Ridge Road Trail
13	M-291 (930)	0.1	Miles	75	Broad St & Cloverly Rd Intersection, Traffic Signal
Signature:		Title: Mark Vyhlidal, Street Superintendent		Date: 12/31/2015	

**Board of Public Roads Classifications and Standards**  
**Form 9 Summary of Six-Year Plan**  
 Six-Year Period Ending: 2021

Sheet 1 of 2

County: Dodge		City: Fremont		Village:	
PRIORITY NUMBER	PROJECT NUMBER	LENGTH (Nearest Tenth)	UNIT OF MEASURE	ESTIMATED COST (Thousands)	REMARKS
1	M-291 (218)	0.2	Miles	150	Main St-1 <sup>st</sup> to 3 <sup>rd</sup> St
2	M-291 (219)	0.4	Miles	550	Park Ave-2 <sup>nd</sup> to Military Ave
3	M-291 (216)	0.1	Miles	55	16 <sup>th</sup> St-Colson to Nye Ave
4	M-291 (186)	1.0	Mile	1,362	1 <sup>st</sup> St-Luther to Johnson Rd
5	M-291 (217)	0.2	Miles	220	6 <sup>th</sup> St-Marvin Ct to M St
6	M-291 (226)	0.5	Miles	475	Johnson Rd-Peterson Ave to 16 <sup>th</sup> St Roundabout
7	M-291 (918)	N/A	N/A	325	Pedestrian Traffic Signal
8	M-291 (220)	0.1	Miles	75	Luther Rd & Morningside Rd Intersection
9	M-291 (903)	1.2	Miles	514	Johnson Rd Trail
10	M-291 (224)	0.2	Miles	425	Hancock St-16 <sup>th</sup> to 19 <sup>th</sup> St
11	M-291 (922)	0.3	Miles	325	Bell Street Viaduct-Cuming St to South Base
12	M-291 (921)	2.7	Miles	1,271	Ridge Road Trail
13	M-291 (930)	0.1	Miles	75	Broad St & Cloverly Rd Intersection
14	M-291 (175)	0.5	Miles	27,000	BNSF-RR Viaduct at 23 <sup>rd</sup> St
15	M-291 (904)	3.3	Miles	607	Rawhide Creek Trail
16	M-291 (225)	0.2	Miles	300	Garfield St-16 <sup>th</sup> to 19 <sup>th</sup> St
17	M-291 (923)	0.2	Miles	300	Mayfair Ave-16 <sup>th</sup> to 19 <sup>th</sup> St
18	M-291 (927)	0.46	Miles	850	Pierce St and South St
19	M-291 (204)	0.1	Miles	150	Broad St & Cloverly Rd Intersection
20	M-291 (920)	N/A	N/A	1,100	Railroad Quiet Zone
21	M-291 (911)	0.5	Miles	10,000	23 <sup>rd</sup> /Bell/Yager Intersection
22	M-291 (924)	0.42	Miles	200	East Military Ave-Grant to Clarmar
23	M-291 (925)	0.52	Miles	300	Broad St-16 <sup>th</sup> to 23 <sup>rd</sup> St
24	M-291 (926)	0.75	Miles	700	Bell St-Linden Ave to 23 <sup>rd</sup> St
Signature:			Title: Mark Vyhldal, Street Superintendent		Date: 12/31/2015

**Board of Public Roads Classifications and Standards**  
**Form 9 Summary of Six-Year Plan**  
 Six-Year Period Ending: 2021

Sheet 2 of 2

County: Dodge		City: Fremont		Village:	
PRIORITY NUMBER	PROJECT NUMBER	LENGTH (Nearest Tenth)	UNIT OF MEASURE	ESTIMATED COST (Thousands)	REMARKS
25	M-291 (198)	0.4	Miles	600	Pierce St-Military to Linden Ave
26	M-291 (192)	1.0	Mile	1,300	32 <sup>nd</sup> St-Yager to Luther Rd
27	M-291 (164)	1.1	Miles	2,000	Luther Rd-Military to 23rd
28	M-291 (928)	0.1	Miles	150	Ridge Rd and Extend Jones Dr, Box Culvert
29	M-291 (211)	1.0	Mile	1,600	1 <sup>st</sup> St-Bell to Luther Rd
30	M-291 (182)	0.6	Miles	400	Johnson Rd-Morningside to Fremont Dr
31	M-291 (213)	0.1	Miles	10	Yager Rd & 29 <sup>th</sup> St Intersection
32	M-291 (177)	1.2	Miles	1,510	Military Ave-Luther Rd to US Hwy 275
33	M-291 (212)	0.2	Miles	250	20 <sup>th</sup> St-Nye Ave to H St
34	M-291 (214)	0.1	Miles	250	Reynolds Rd-Clarkson to 2 Blocks East
35	M-291 (929)	0.89	Miles	1,365	Westside Addition Street Paving
36	M-291 (215)	0.3	Miles	110	19 <sup>th</sup> St-Somers to Nye Ave
37	M-291 (189)	N/A	N/A	N/A	US 77 Bypass
38	M-291 (205)	0.1	Miles	400	Broad St & Military Ave Intersection
39	M-291 (209)	0.1	Miles	225	County Rd U Bridge
Signature:			Title: Mark Vyhldal, Street Superintendent		Date: 12/31/2015

Board of Public Roads Classifications and Standards  
**Form 11 Report of Previous Year  
 Highway or Street Improvement**

Year Ending: 2015

Sheet 1 of 1

County: Dodge		City: Fremont			Village:	
PROJECT NUMBER	LENGTH (Nearest Tenth)	UNIT OF MEASURE	PROJECTED COST (Thousands)	CONTRACT PROJECT	OWN FORCES	DATE COMPLETED (Actual or Estimated)
M-291 (902)	0.5	Miles	280			Completed
M-291 (195)	0.1	Miles	150			Completed
M-291 (914)	0.5	Miles	1,200			Completed
M-291 (912)	0.3	Miles	100			Completed
M-291 (917)	0.05	Miles	45			Completed
M-291 (919)	N/A	N/A	435			Completed
M-291 (915)	0.3	Miles	180			Completed
M-291 (916)	1.2	Miles	600			Completed
M-291 (186)	1.0	Mile	1,362			Under Construction
M-291 (217)	0.2	Miles	250			Under Construction
M-291 (218)	0.2	Miles	150			Delayed-Moved to 1 Year Plan
M-291 (219)	0.4	Miles	500			Delayed-Moved to 1 Year Plan
M-291 (216)	0.1	Miles	46			Delayed-Moved to 1 Year Plan
M-291 (226)	0.5	Miles	475			Delayed-Moved to 1 Year Plan
M-291 (918)	N/A	N/A	325			Delayed-Moved to 1 Year Plan
M-291 (220)	0.1	Miles	75			Delayed-Moved to 1 Year Plan
Signature:			Title: Mark Vyhldal, Street Superintendent		Date: 12/31/2015	

## Staff Report

**TO:** Planning Commission  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** January 18, 2015  
**SUBJECT:** Draft Unified Development Ordinance (UDO) Amendments – Article 5

---

**Background:** Staff has prepared the following amendments to Article 5 of the Draft UDO for review and consideration. This Article was broken into two (2) parts. The first part addressed subdivision design and land development. The second part addresses general design principles of streets, sidewalks, trails, and utilities, and environmental quality regulations such as noise, vibration, air quality, water quality and quantity, glare and heat, fire hazard, and storage of chemical products. The most significant revisions include:

- Reorganization;
- Defining when and where street pavement widths less than thirty-two (32) feet are permitted;
- Extending noise control to all districts;
- Relocating the bulk of floodplain management regulations to subsection 11-305.02; and
- General word-smithing.

## ~~[15-5]~~11-610 STREETS, SIDEWALKS, TRAILS, AND UTILITIES

---

### ~~[Sec. 15-5]~~§11-611 Purpose

---

The purpose of this Section is to establish standards for the design, layout, and construction of streets, sidewalks, trails, and utilities.

### ~~[Sec. 15-5]~~§11-612 Application

---

- A. **Generally.** This Section applies to all subdivisions and site plans that involve the creation of new roads, streets, or the improvement of any existing street.
- B. **Right-of-way Standards.** As set out in **Section 15-513, Streets, Sidewalks, and Trails**, is the standards for how much right-of-way must be dedicated and what cross-sections are required for **public streets, requirements for private streets, cul-de-sac design and connectivity, requirements associated with alleys**. It also provides requirements for intersection spacing and the geometry of curves **and provisions for sidewalks, trails, street lighting, and traffic control devices**.
- C. **Utilities.** Set out in **Section 15-514, Utilities**, is the standards for the installation of utilities.

### ~~[Sec. 15-5]~~§11-613 Streets, Sidewalks, and Trails

---

#### ~~[15-5]~~11-613.01. General Design Principles.

---

- A. **Integration.** New streets shall integrate into the existing street pattern so as to:
  - 1. Address the new development's circulation needs;
  - 2. Provide a pattern of streets that facilitates navigation within the City; and
  - 3. Where collector and arterial streets are involved, facilitate City-wide traffic movements.
- B. **Safety.** New streets shall provide a safe and convenient layout and design.
- C. **Character.** New streets shall correspond to and reinforce the character of the district(s) in which they are constructed.
- D. **Natural Resources.** New streets and substantially improved existing streets shall respect natural resources, topography, drainage, and other natural features that would enhance attractive development, or that are locally or regionally significant for their natural resource value.
- E. **Circulation of Through Traffic.** Streets within subdivisions shall be designed as a system of circulation routes, so that the use of local streets for non-resident, cut-through traffic, will be discouraged.
- F. **Street Plans.**
  - 1. Streets shall generally conform to the adopted *Long Range Transportation Plan* ~~[2035]~~, as amended from time to time.
  - 2. If a preliminary plat has been approved by the Planning Commission for a proposed subdivision, the street system of the subsequent final plats shall conform to the preliminary plat.
  - 3. Existing streets (including preliminary platted streets in adjoining territory) shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless the Planning Commission finds that such design would be impractical or would create incompatibility.

4. When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

G. **Intersections.** Streets shall intersect as nearly at right angles as practicable.

**~~{15-5}~~11-613.02. Street Standards.**

A. **Access.**

1. Subdivisions with **thirty (30)** or more lots, or multifamily developments with **fifty (50)** or more dwelling units, shall provide no less than two **(2)** access points to/from existing streets. Those access points shall be located as far apart as practical and consistent with **Section 15-605, Access Management and Circulation.**
2. The street layout of a subdivision shall provide public street access to all ~~{building sites and parcels}~~**lots or tracts.**
3. Street alignments within subdivisions shall utilize horizontal curves, islands, street offsets, intersections, or other methods that allow adequate access and promote traffic calming.

B. **Offsite Connectivity.**

1. Wherever streets have been dedicated or platted on adjacent properties for extension into or through a proposed subdivision, then those streets shall be incorporated into the street layout of the proposed subdivision.
2. Subdivision streets shall be extended to the boundaries of the parcel proposed for development in appropriate locations to provide for future connections to other properties.

C. **Right-of-Way and Pavement Widths.**

1. Generally, rights-of-way and pavement widths shall conform to those set out in **Table 15-513.02. ~~{a}~~01, Rights-of-Way and Pavement Widths.**
2. Details regarding the type of pavement, number and width of lanes, location of sidewalks, requirement for widths of medians, and parkways, and other design criteria are provided in the *Engineering Standards Manual*, as applicable.
3. Where additional right-of-way is needed to obtain vertical curve, grade, sight distance triangles, turn lanes, or medians, the required right-of-way shall be adjusted to the extent necessary in accordance with local needs, as determined by the City Engineer.

**Table ~~{15-5}~~11-613.02. ~~{a}~~01.**

**Right-of-Way and Pavement Widths**

Classification	R.O.W. Width	Pavement Width
Major Arterial	120 ft.	60 ft.
Arterial (Urban)	100 ft.	48 ft.
Minor Arterial (Urban)	80 ft.	44 ft.
Collector (Urban)	75 ft.	36 ft.

Table <del>15-5</del> 11-613.02. <del>a</del> 01.		
Right-of-Way and Pavement Widths		
Classification	R.O.W. Width	Pavement Width
Local Street (Rural Major)	60 ft.	32 ft.
Local Street (Rural Minor)	<del>55 ft.</del>	See Table 15-513.02. <del>b</del> 02., <i>Local Street Specifications</i>
<del>Marginal Street Access</del>	40 ft.	<del>28 ft.</del>

Commented [AT1]: What's the difference?  
 Commented [AT2]: Merge with Pavement Width cell.

D. **Local Street Standards.** The cross-section of local streets shall be dependent upon the zoning district and the ultimate function of the street, as set out in Table 15-513.02. ~~b~~02., *Local Street Specifications*. The cross-sections shall be arranged as illustrated in Figure 15-513.02. ~~c~~, *Design Cross-Section*.

Table <del>15-5</del> 11-613.02. <del>b</del> 02.						
Local Street Specifications						
Standard	Place	Court	Drive		Street	
			No Parking	On-Street Parking	One-Way	Two-Way
Maximum Number of Dwelling Units Accessed	6	14	30	30	Any	Any
Minimum Lot Frontage Along Street	85'	85'	70'	Per District Standards		
District or Neighborhood Type Where Allowed	R <del>R</del> , SR, and <del>G</del> A <del>R</del>			All Districts		
Right-of-Way Width (A)	50'	50'	50'	60'	40'	60'
Design Speed	15 mph	15 mph	20 mph	20 mph	25 mph	25 mph
Pavement Width	14'	18'	24'	<del>30</del> 32'	20'	36'
Travel Lanes (G)	2 x 7'	2 x 9'	2 x 12'	2 x 8'	1 x 12'	2 x 10'
Parking Lane (F)	None			2 x <del>7</del> 8'	1 x 8'	2 x 8'
Walkway Type (C)	4' path			2 x 4' sidewalk	<del>1 x 5</del> 2 x 4' sidewalk	2 x 4' sidewalk
Sidewalk Construction Easement Width (B)	<del>None</del> 6"			11'6"		
Planting Strip Type (D)	2 x <del>18</del> 17' swale	2 x <del>16</del> 15' swale	2 x <del>13</del> 12' swale	2 x <del>15</del> 13' parkway	2 x <del>10</del> 5' parkway	2 x <del>12</del> 7' parkway
Curb Type (E)	6'18"			6'18"		
Curb Radius	15'			25'		

Table ~~(15-5)11-613.02.(b)02.~~

Local Street Specifications

Standard	Place	Court	Drive		Street	
			No Parking	On-Street Parking	One-Way	Two-Way

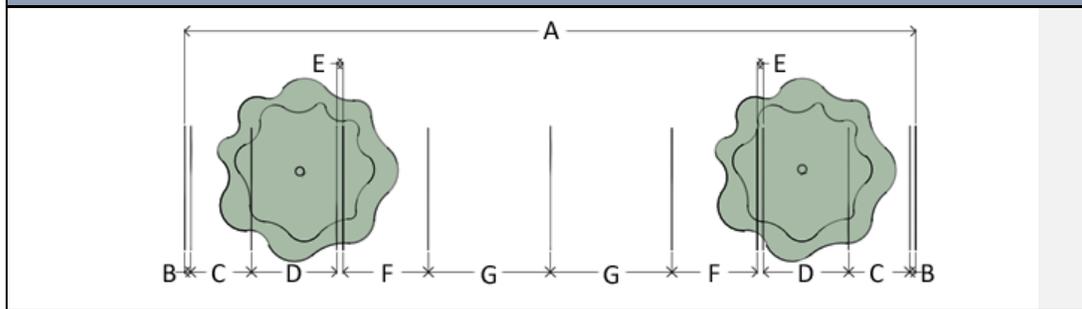
TABLE NOTE:

1. Letters in parentheses indicate the corresponding part of Figure 15-513.02.(c), *Design Cross-Section*.

2. The City Engineer shall promulgate standards for curb radii and curb construction and include them in the *Engineering Standards Manual*.

Figure ~~(15-5)11-613.02.(c.)~~

Design Cross-Section



~~(15-5)11-613.03. (Performance Standards.~~

- ~~A. Floodplain Areas. In floodplain areas, narrower rights of way may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The City Engineer shall assist in developing an acceptable cross-section that minimizes environmental impact.~~
- ~~B. Mid-Block Pedestrian Connections. Mid-block connections in the form of public access easements and walkways shall be provided along blocks that are greater than 1,200 feet in length, to establish linkages between blocks and, particularly, to parks, open spaces, and trails.~~

Commented [AT3]: Discouraged.

Commented [AT4]: This language appears elsewhere in code (ref. 11-606.04).

~~15-513.04. Private Streets.~~

- A. **Generally.** Private streets are permitted only as provided in this Subsection.
- B. **Residential Subdivisions.** Private streets are permitted in residential subdivisions only when maintenance and operation of the street is private and the subdivision contains more than **fifty (50)** lots.

- C. **Nonresidential, Mixed Use and Multifamily Subdivisions.** The private street runs through, to, or between parking areas in nonresidential, mixed use, or multifamily developments, where:
1. All property accessed by the street is under single ownership;
  2. There is sufficient alternative access to abutting properties;
  3. The access to the parcel proposed for subdivision and the abutting properties meets the spacing requirements of **Section 15-605, Access Management and Circulation**; and
  4. The City Council finds that connecting the street to the public street network is undesirable because it would increase through-traffic in an established or proposed neighborhood.
- D. **Requirements for Private Streets.** When private streets are permitted, they shall meet all of the following requirements:
1. **Private streets shall be laid out, designed, and constructed in the same manner as public streets;**
  2. The final plat shall be annotated with a notice that the streets are private and subject to a covenant for maintenance;
  3. Street name signs and street labels on the preliminary and final plats shall indicate they are private;
  4. The private streets will not interfere with the implementation of the transportation plan, adopted plans, or other plans for construction or expansion of State or Federal highways; and
  5. The private streets will not materially interfere with street connectivity or create an unreasonable impact on an adjacent public street by curtailing opportunities for alternative travel routes.
- E. **Gates.** Gates are permitted at entries to private street subdivisions, provided that they comply with the standards of this Subsection as follows:
1. Gates shall be set back from the public street to allow for stacking **of at least three (3) vehicles.**
  2. Two **(2)** inbound gates shall be provided, one **(1)** for residents and one **(1)** for guests, for all subdivisions that include more than **fifty (50)** dwelling units. The paved area behind the guest gate shall be sufficient to accommodate at least one **(1)** vehicle without interfering with the use of the resident gate.
  3. There is means of prompt access provided to police, fire, and emergency medical transport service providers.
- F. **Covenants, Conditions, and Restrictions.** Covenants, conditions, and restrictions ("CCRs") shall be recorded for all private street subdivisions with an approved final plat. The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and which shall be enforceable by the City:
1. A mandatory property owners' association with lien rights to collect dues from lot or unit owners;
  2. A perpetual obligation of the property owners' association to maintain the private streets and drainage systems;
  3. Ownership of the private streets by a single entity, such as a Property Owners' Association, rather than under individual lot owners (or other owners);
  4. A perpetual obligation to enforce restrictions against on-street parking, unless the street is designed for on-street parking;
  5. Cross-access easements for all lot owners;
  6. Easements for access by:
    - a. School buses;

- b. Emergency vehicles;
- c. Garbage and trash collection; and
- d. Easements for public utilities and government employees in the normal course of their assigned duties.

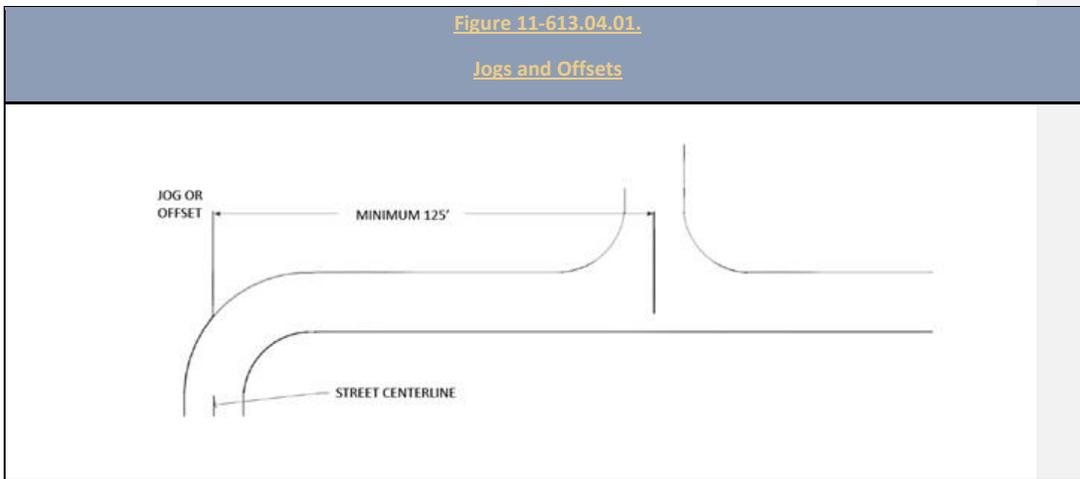
**Commented [AT5]:** i.e. police, fire, health, code enforcement, building inspectors, etc.

G. **Conversion to Public Streets.** Private streets shall not be converted to public streets.

11-613.04. Geometric (Intersections, Jogs, Offsets, and Reverse Curves).

**Commented [AT6]:** Reordered to coincide with design hierarchy.

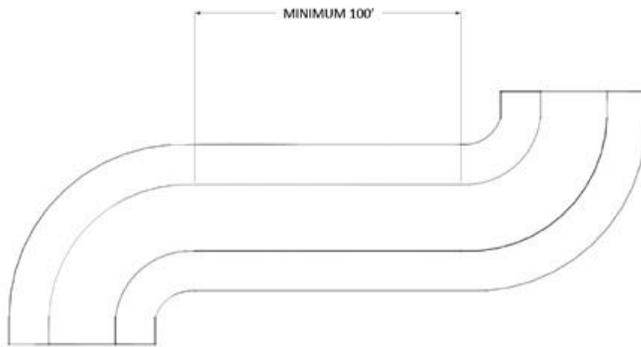
A. Jogs, Offsets, and Reverse Curves. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. See Figure 15-513.07.01., Jogs and Offsets.



B. Reverse Curves. A tangent of at least one hundred (100) feet in length shall separate reverse curves. See Figure 15-513.07.02, Reverse Curves.

Figure 11-613.04.02.

Reverse Curves



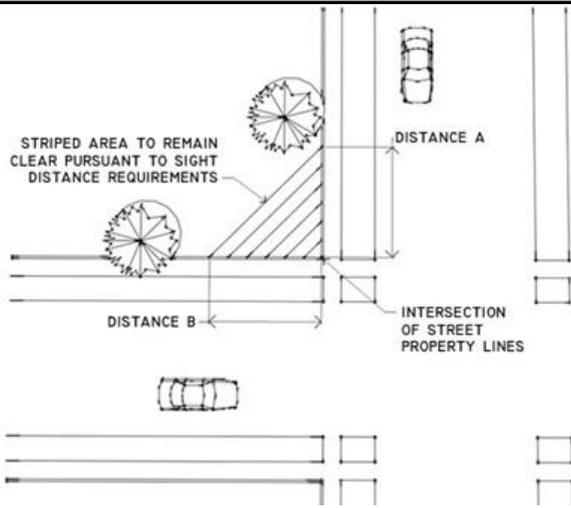
11-613.05. Sight Distance Requirements.

- A. Street Intersections. No fence, wall, hedge, or shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot in the areas specified by this Subsection. Where required, utility poles may be located within fifty (50) feet of intersecting streetlines but, to the extent practicable, shall be located to minimize sight obstructions.
1. At the intersection of a collector or local street, Distance A and Distance B shall each be at least twenty-five (25) feet (see [Figure 15-513.08.01., Sight Distance Requirements for Street Intersections](#)).
  2. At the intersection of two (2) local streets or the intersection of a street and alley, Distance A and Distance B shall each be at least fifteen (15) feet.

Commented [A17]: Reordered to coincide with design hierarchy.

Figure 11-613.05.01.

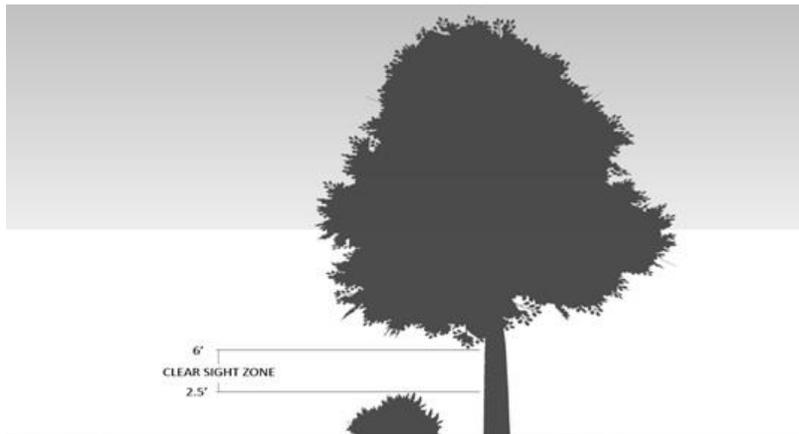
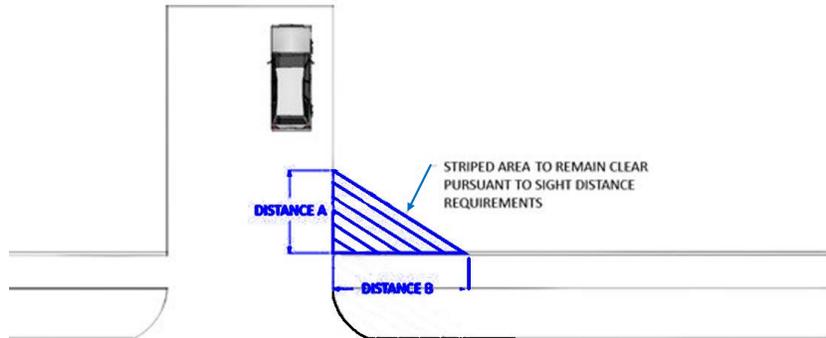
Sight Distance Requirements for Street Intersections



- B. Driveway Intersections. At the intersection of a local street and a driveway a clear sight zone, between the elevations of two and one-half (2.5) feet and six (6) feet above the driveway grade, Distance A shall not be less than ten (10) feet, and Distance B shall not be less than twenty (20) feet (see [Figure 15-513.08.02., Sight Distance Requirements for Driveways](#)). Mature plantings with foliage between two and one-half (2.5) feet and six (6) feet above the finished lot grade shall extend no closer than twelve (12) feet to the street right-of-way line.

Figure 11-613.05.02.

Sight Distance Requirements for Driveways



C. Exceptions.

1. Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight (8) feet above the street level.
2. No portion of a fence or wall exceeding two and one-half (2.5) feet in height above the finished lot grade shall exceed fifty (50) percent opacity when located in a required yard that either:
  - a. Has vehicular access to a street; or
  - b. Abuts such access.

- D. Trees, Shrubbery, or Utility Poles Within the Right-of-Way. Trees placed in the public rights-of-way shall be spaced no closer than twenty (20) feet apart. Neither trees nor shrubbery or utility poles (except street lights and traffic signal supports) shall be placed within the public right-of-way within fifty (50) feet of the intersecting centerlines at street intersections. Trees and shrubbery which existed in such locations as of the effective date of this UDC shall be pruned by the adjacent property owner and may be pruned by the City to clear the area between two and one-half (2.5) feet and six (6) feet above the ground level if such pruning can be accomplished without compromising the health or structural integrity of the tree.

#### 11-613.06. Cul-de-Sacs.

---

- A. Generally. Cul-de-sacs shall only be permitted in instances where the Planning Commission finds that circumstances exist which warrant their use.
- B. Warranted Circumstances. The following constitute circumstances which warrant the use of cul-de-sac streets:
1. Natural resources, such as floodplains, wetlands, or open water, make standard blocks inefficient; and
  2. The cul-de-sac street serves no more than twenty (20) lots, or is no more than six hundred (600) feet in length, whichever results in a shorter street segment.
- C. Dimensional Standards.
1. All cul-de-sacs shall be designed to permit vehicles to turn around without backing.
  2. Cul-de-sacs shall have a minimum radius of fifty-five (55) feet to the property line, and a maximum radius of ninety (90) feet, with paving dimensions of forty-three and one-half (43.5) feet measure from back of curb to back of curb.
  3. Cul-de-sacs shall not be used to provide multiple access points to individual buildings (e.g., two-family or attached single-family dwellings) where private driveways would conflict or involve expanses of driveway pavement that are wider than twenty-four (24) feet.

#### ~~[15-5]~~ 11-613.0[6]7. Alleys.

---

- A. **Generally.** Alleys may be provided for primary or secondary vehicular access to lots and uses. Alleys may not provide access to property outside of the parcel proposed for development in which the alleys are dedicated.
- B. **Ownership and Maintenance of Alleys.** Alleys shall be owned and maintained by a property owners' association. Covenants, conditions, and restrictions ("CCRs") shall be recorded with the approved final plat for all subdivisions that include alleys. The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and shall be enforced by the City:
1. A mandatory property owners' association with lien rights to collect dues from lot or unit owners;
  2. A perpetual obligation of the property owners' association to maintain the private alleys and drainage systems;
  3. Ownership of the alleys by a single entity, such as a Property Owners' Association, rather than under individual lot owners (or other owners);
  4. Cross-access easements for all lot owners';
  5. Easements for access by:
    - a. Emergency vehicles; and

- b. Garbage and trash collection (if designed for garbage and trash collection); and
- 6. Easements for public utilities.
- C. **Minimum Width.** The minimum right-of-way width for an alley is twenty (20) feet.
- D. **Type of Construction.** Alleys shall be constructed of concrete with a minimum depth of seven (7) inches, or as otherwise determined by the Director of Public Works.
- E. **Alley Length.** Alleys ~~[with the same]~~ **shall extend the full** length ~~[as the blocks that provide frontage to the lots that the alley serves, with minor variation permitted to account for curvature of intersection street]~~ **of the block being served, unless natural resources, such as floodplains, wetlands, or open water, prevent their connection to a local street and there is no alternative design that would serve all of the lots with alley access.**
- F. **Alley Intersections and Curves.**
  - 1. Alleys should intersect streets at right angles. The intersection of a street and an alley should be constructed as a standard approach.
  - 2. A minimum curb radius of five (5) feet ~~[to the inside edge of the alley paving]~~ shall be provided at intersections ~~[between alley. The additional area shall be platted as part of the alley].~~
- G. ~~[Alley Turnouts. Alley turnouts shall meet the following minimum standards:~~
  - 1. ~~Minimum width of pavement at intersection is 18 feet.~~
  - 2. ~~Turnouts shall be paved to the property line.~~
  - 3. ~~No gate, building, or garage opening shall be located closer than 20 feet to an alley turnout, measured from the closest edges of pavement along the alley and along the intersecting street right-of-way.~~
- H. ~~[Dead Ends Prohibited. Dead end or cul-de-sac alleys shall be avoided unless natural resources, such as floodplains, wetlands, or open water, prevent their connection to a local street and there is no alternative design that would serve all of the lots with alley access.]~~

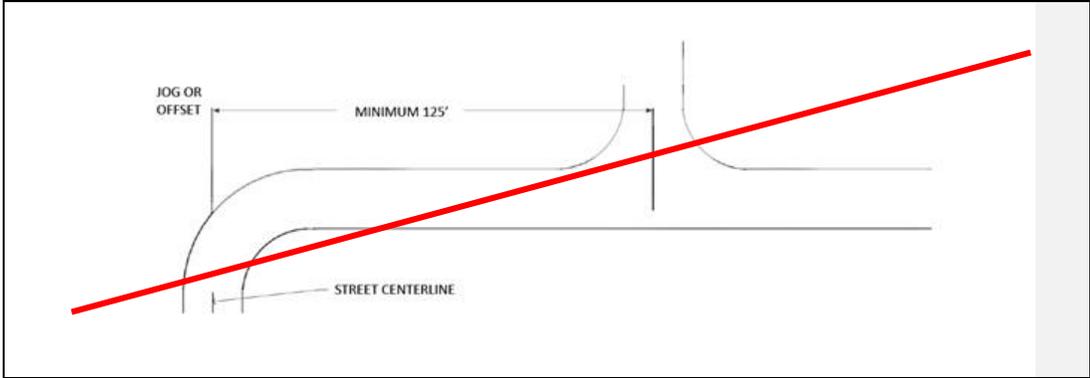
~~[15-513.07. Geometric (Intersections, Jogs, Offsets, and Reverse Curves).]~~

- B. ~~[Jogs, Offsets, and Reverse Curves. Street jogs with centerline offsets of less than 125 feet shall be avoided. See Figure 15-513.07.01., Jogs and Offsets.]~~

**Commented [AT8]:** Reordered to coincide with design hierarchy.

Figure 15-513.07.01.

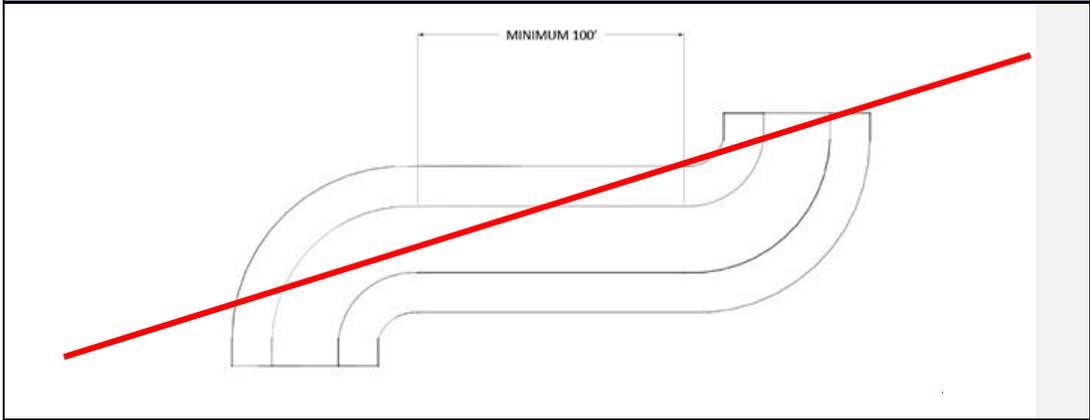
Jogs and Offsets



C. ~~Reverse Curves.~~ A tangent of at least 100 feet in length shall separate reverse curves. See Figure 15-513.07.02, ~~Reverse Curves.~~

Figure 15-513.07.02.

Reverse Curves



15-513.08. Sight Distance Requirements.

B. ~~Street Intersections.~~ No fence, wall, hedge, or shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot in the areas specified by this Subsection. Where

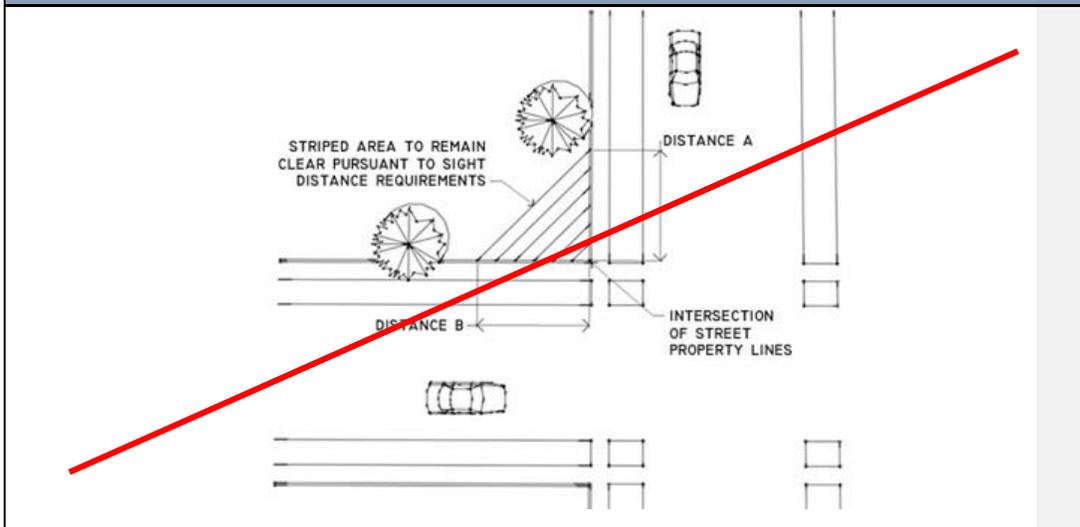
Commented [AT9]: Reordered to coincide with design hierarchy.

required, utility poles may be located within 50 feet of intersecting streetlines but, to the extent practicable, shall be located to minimize sight obstructions.

3. At the intersection of a collector or local street, Distance A and Distance B shall each be at least 25 feet (see Figure 15-513.08-01., *Sight-Distance Requirements for Street Intersections*).
4. At the intersection of two local streets or the intersection of a street and alley, Distance A and Distance B shall each be at least 15 feet.

**Figure 15-513.08-01.**

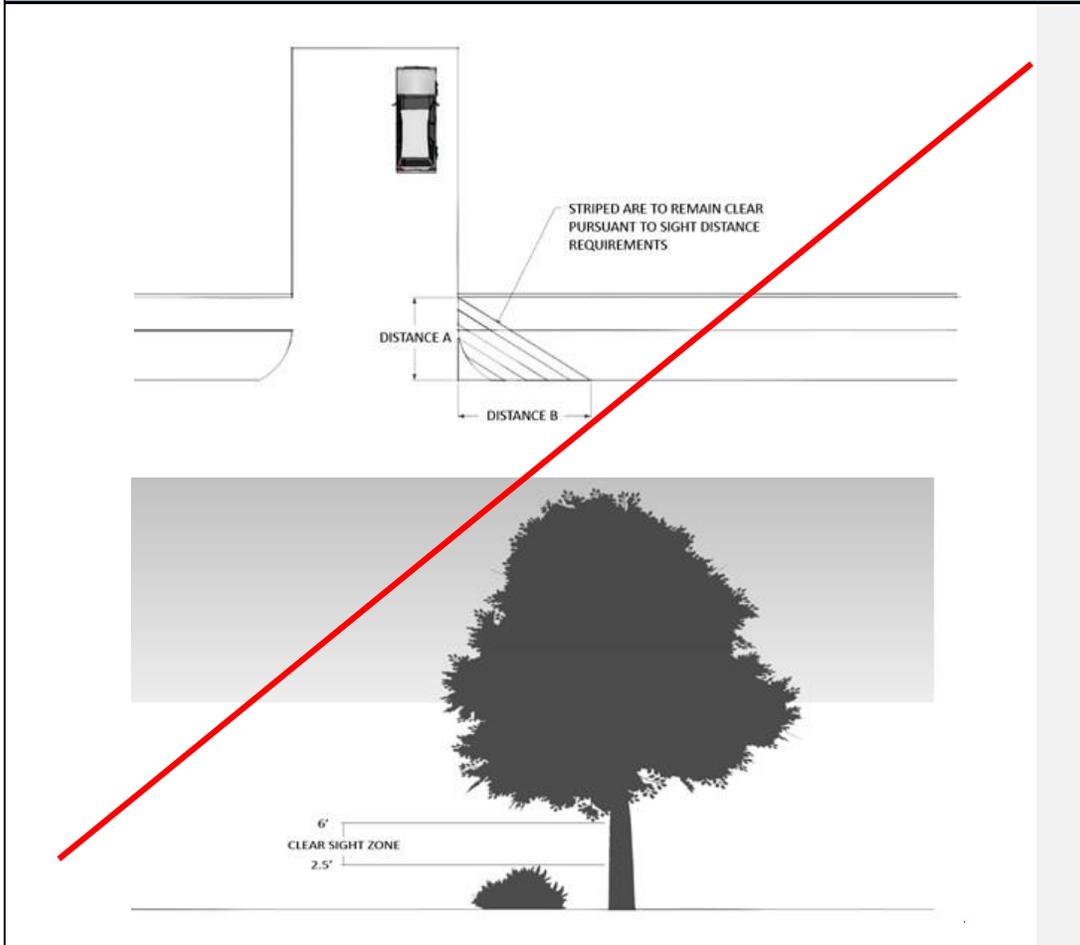
**Sight-Distance Requirements for Street Intersections**



- C. **Driveway Intersections.** At the intersection of a local street and a driveway a clear sight zone, between the elevations of 2.5 feet and six feet above the driveway grade, Distance A shall not be less than 10 feet, and Distance B shall not be less than 20 feet (see Figure 15-513.08-02., *Sight-Distance Requirements for Driveways*). Mature plantings with foliage between 2.5 feet and six feet above the finished lot grade shall extend no closer than 12 feet to the street right-of-way line.

Figure 15-513.08.02.

Sight-Distance Requirements for Driveways



**E. Exceptions.**

3. ~~Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight feet above the street level.~~
4. ~~No portion of a fence or wall exceeding 2.5 feet in height above the finished lot grade shall exceed 25 percent opacity when located in a required yard that either:~~
  - e. ~~Has vehicular access to a street; or~~
  - d. ~~Abuts such access.~~

~~F. **Trees, Shrubbery, or Utility Poles Within the Right of Way.** Trees placed in the public rights-of-way shall be spaced no closer than 20 feet apart. Neither trees nor shrubbery or utility poles (except street lights and traffic signal supports) shall be placed within the public right-of-way within 50 feet of the intersecting centerlines at street intersections. Trees and shrubbery which existed in such locations as of the effective date of this UDO shall be pruned by the adjacent property owner and may be pruned by the City to clear the area between 5 feet and six feet above the ground level if such pruning can be accomplished without compromising the health or structural integrity of the tree.~~

~~**[15-5]11-613.0[9]8. Medians and Entrance Ways.**~~

---

**A. Use and Beautification of Medians.**

1. Medians that are part of a dedicated public right-of-way may not be utilized for any purpose other than by the City or a public utility. However, a subdivider or other entity may beautify a median with landscaping and lighting (and the requisite electricity) with the approval of the Planning Commission, provided that:
  - a. It does not interfere with existing or proposed public utilities;
  - b. It conforms to the sight distance requirements of **Subsection 15-513.08**, *Site Distance Requirements*; and
  - c. The applicant has submitted documentation with regard to the entity that will have permanent responsibility for maintenance of and liability for such improvements.
2. The Planning Commission may refer the application to the City Council.

**B. Subdivision Access.** Streets that provide ingress and egress to a subdivision shall:

1. Be connected to existing public streets at locations that will not:
  - a. Create sight distance problems on the existing streets; or
  - b. Interfere with the safe operation of existing intersections.
2. When connected to collector or arterial streets, ~~[have the]~~ connecting intersections **shall be** designed so as to minimize interruption of the flow of traffic on those collector or arterial streets. At a minimum:
  - a. The dimensions of the street at the point of connection shall be a minimum of **eighty (80)** feet in width by **one hundred forty (140)** feet in depth.
  - b. Deceleration lanes and other traffic control improvements shall be provided on the collector or arterial streets, if warranted, to ensure safe traffic operations due to the impact on the proposed development on the street.
  - c. If the subdivision includes more than **sixty (60)** lots, a minimum of two **(2)** exit lanes shall be installed on the connecting subdivision street to minimize the delay of vehicles entering the collector or arterial street.
3. Gatehouses or architectural features that highlight the entrance are permitted in the median of a subdivision entranceway that meets the specifications of this Section.

~~**[15-5]11-613.0[10]9. Sidewalks.**~~

---

- A. **Generally.** Concrete sidewalks are required along all public and private streets.
- B. **Width.** Sidewalks shall be a minimum of four feet along all streets.
- C. **Location of Sidewalks.**

1. Sidewalks shall be provided on ~~[one side of cul-de-sacs and local streets that are shorter than 400 feet and on both sides of]~~ all local streets ~~[longer than 400 feet]~~, including cul-de-sacs, and collector and arterial streets.
  2. Sidewalks shall be provided between the right-of-way line and the edge of pavement. ~~[Generally, the outer edge of the sidewalk shall be set no less than one foot inside the property line.]~~
  3. Sidewalks may (but are not required to), where approved by the Director of Public Works, gradually meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than three (3) feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce but may require additional right-of-way width.
  4. Sidewalks shall also be installed in pedestrian access easements.
- D. **Completion of Sidewalk Networks.** Adequate provision shall be made to ensure the completion of the sidewalk/trail network at the time eighty (80) percent of the certificates of occupancy are issued for each phase of development. For subdivisions, the surety shall not be released until the sidewalk/trail is completed in accordance with this Section.
- E. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk or trail plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission at the time of platting. These trade-offs may be permitted if better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or multi-use pathways on the perimeter of the parcel proposed for development.

~~[15-513.011. Curbs.~~

~~The City Engineer shall promulgate standards for curb radii and curb construction and include them in the Engineering Standards Manual.~~

~~15-511-613.0(12)~~ 10. Bicycle Routes, Lanes, Paths, and Trails.

- A. **Bicycle Routes.** Bicycle routes shall be provided as set out in the Comprehensive Plan. The bicycle routes shall be designated on all site plans and preliminary/final plats, and shall be posted upon completion of the proposed development.
- B. **Bicycle Lanes.** Bicycle lanes are required along the rights-of-way designated for a "proposed shared road trail" by Map 4.2, System Plan, of the Parks and Recreation Master Plan, as amended from time to time. In such locations, the pavement widths set out in Section 15-513.02., Street Standards, shall be increased to accommodate the following:
1. Minimum width (excluding curbs):
    - a. Streets with no on-street parking: Four (4) feet; or
    - b. Streets with on-street parking: Five (5) feet; (located between travel lane and parking).
  2. All bicycle lanes shall be designated, posted, marked, and striped according to the requirements of the *Engineering Standards Manual*, or as promulgated by the Director of Public Works.
- C. **Bicycle Paths.** Bicycle paths are required where designated on the adopted trail plan.
1. ~~[Bicycle paths may be placed in lieu of required sidewalks.]~~

**Commented [AT10]:** This language has been relocated to Table 11-613.02.02 as Table Note 2.

2. Bicycle paths shall be at least eight **(8)** feet wide, and designed, posted, and marked according to the requirements of the *Engineering Standards Manual*, or as promulgated by the Director of Public Works.
3. Where a bicycle path crosses an intersection, the bicycle path shall be marked as a bicycle crossing. Right turns at intersections shall be on the shoulder of the intersecting street if the bicycle path does not continue along the intersecting street.

**D. Trails.**

1. Off-street bicycling and jogging trails shall be developed in accordance with the adopted trail plan, to link major attractions and destinations throughout the City, including neighborhoods, parks, schools, libraries, employment centers, and shopping areas.
2. Development that abuts a linear corridor that is identified in the adopted trail plan shall provide an easement for the construction of a trail in accordance with the trail plan.
3. Maintenance responsibilities shall be established at the time of a preliminary plat.

**~~(15-5)~~11-613.0~~(13)~~11. Street Lighting.**

---

- A. **Public Streets.** In any development with public streets, adequate electrical service shall be provided to proposed street light locations as determined by the City Engineer. General standards for public street lighting may be included in the *Engineering Standards Manual*, as applicable.
- B. **Private Streets.** In any development with private streets, the City Engineer shall review the lighting plan for adequacy regarding safety and ease of pedestrian and vehicular access. Generally, standards for private street lighting shall be the same as for public streets.

**~~(15-5)~~11-613.0~~(14)~~12. Traffic Control Devices.**

---

- A. **Installation of Street Signs.** Two suitable street name signs in accordance with City standards shall be placed by the developer (at the developer's expense) at all street intersections.
- B. **Traffic Safety Signage.** Traffic safety signage within subdivisions and parcels proposed for development shall be installed by the developer at the developer's expense. Signage shall conform to the most current version of the Manual on Uniform Traffic Control Devices ("MUTCD"), published by the Federal Highway Administration.
- C. **Traffic Signals.** If a subdivision or other proposed development will generate traffic at levels that warrant the installation of traffic signals or other traffic control devices within **one thousand three hundred twenty (1,320)** feet of the development, the developer shall contribute its proportional fair share toward the cost of the signal or other traffic control device.

**~~(15-5)~~11-613.0~~(15)~~13. Right-of-Way Maintenance.**

---

Owners of property that abut a public right-of-way shall maintain the property between the edge of pavement or the inside of the curb and the owner's property line, including providing for continuing compliance with **Subsection 15-513.08.**, *Sight Distance Requirements*.

**~~(Sec. 15-5)~~§11-614 Utilities**

---

**~~(15-5)~~11-614.01. Location of Utilities.**

---

- A. **Electrical Power, Telephone, Cable, and Comparable Utilities.** Electrical distribution lines, excluding transmission and key distribution lines, and telecommunications lines shall be installed underground. All underground conduits for electrical power, telephone, and other similar purposes shall be located in the easement at the rear lot line, with adequate easement for installing such utilities underground, unless certified by the utility companies concerned that the rear lot line location is impractical, or unless the Planning Commission and the City Council finds this placement is not feasible.
- B. **Gas, Water, and Sewer.** All water and sewer lines and utilities for such purposes shall be located in the street easement or rights-of-ways, with adequate additional easement for the location of pumping or lift stations or the like, unless it is certified by the developers and/or property owners concerned that such location is impractical, and the Planning Commission and the City Council find that the placement is not feasible and a minor adjustment is warranted, as set out in **Subsection 15-716.10., Minor Adjustments**. Easements for gas lines shall be along the ~~rear~~front property line. In the instance of an administrative plat, a request for a modification requires Planning Commission approval, as set out in **Subsection 15-716.10., Minor Adjustments**.
- C. **Gas and Water Mains.** Main lines for gas and water service must be run along each street in the subdivision, such that service lines can be connected to each individual lot after construction; or main lines for gas and water service are to be run along one side of a street in the subdivision and service lines must be run from the main line to each lot on both sides of the street.

#### **~~15-5~~11-614.02. Water Supply and Fire Protection.**

---

- A. **Water Supply.** All development must be served by adequate water supply and pressure to provide fire protection according to standards promulgated by the Department of Public Works in consultation with the Fire Department.
- B. **Line Sizing and Hydrant Spacing.** The sizes of water lines and spacing between hydrants shall be established by the Department of Public Works in consultation with the Fire Department, which may be included in the *Engineering Standards Manual*, as applicable.

#### **~~15-5~~11-614.03. Wastewater System.**

---

The developer shall be responsible for providing sewers for the subdivision from the nearest public sewer collection line available, at the developer's expense. The minimum sewer collection line size in the subdivision, shall be eight **(8)** inches in diameter, and the minimum size line from the subdivision to the public collection line shall be eight-**(8)** inches in diameter. However, if the Public Works Director requires larger diameter pipe, then the developer shall be responsible for the additional expenses incurred for the larger diameter pipe.

#### **~~15-5~~11-614.04. Electric and Gas Utilities.**

---

- A. **Gas Utility.** The developer shall be responsible for providing gas for the subdivision from the nearest gas system available, at the developer's expense in accordance with an agreement entered into with the Department of Utilities. The minimum gas line size shall be two **(2)** inches in diameter. However, if the Public Works Director requires larger diameter pipe, then the developer shall be responsible for the additional expenses incurred for the larger diameter pipe. The type of pipe to be used for gas lines shall be polyethylene and shall be ASTM2513 or the equivalent. All gas service lines shall be at least **twelve (12)** inches below the surface at the meter and **eighteen (18)** inches below the surface at the property line to conform with the rules and regulations of the Department of Utilities. All rises from

the gas service line to the meter shall be a minimum of one (1) inch in diameter. Gas service lines from the main to the meter shall be at least five-eighths (5/8) inch in diameter.

- B. **Electric Utility.** The developer shall be responsible for providing electrical connection from the nearest electrical system available, at the developer's expense in accordance with an agreement entered into with the Department of Utilities. The point of service for the electric utility shall be near the property line of the premises to be served.

~~[Sec. 15-5]~~§11-615 Reserved to ~~[Section 15-5]~~§11-619

---

## ~~[15-5]~~11-620 ENVIRONMENTAL QUALITY

---

### ~~[Sec. 15-5]~~§11-621 Purpose

---

The purpose of this Section is to establish standards for the management of the City's floodplains and floodways (including the prevention of flood damage) and the environmental impacts of land uses (e.g., noise, vibration, air quality, water quality, and glare), in order to ensure that the City continues to provide a desirable environment for residences, recreation, education, culture, commerce, and industry.

### ~~[Sec. 15-5]~~§11-622 Application

---

- A. **Floodplain Management and Flood Damage Prevention.** Set out in **Section 15-524, Floodplain Management and Flood Damage Prevention**, is the technical standards for development within areas of special flood hazard within the City and the extra-territorial jurisdiction.
- B. **Environmental Quality.** Set out in **Section 15-523, Environmental Quality**, is the standards for hours of noise, ground vibration, emissions of air pollutants, discharge of water pollutants, and creation of glare. In some cases, these provisions reference standards that are enforced by other levels of government. Such references do not waive requirements for compliance with any other applicable State or Federal standards that are not listed.

### ~~[Sec. 15-5]~~§11-623 Environmental Quality

---

#### ~~[15-5]~~11-623.01. Noise.

---

In order to control noise levels, construction activities ~~[within 300 feet of residential districts and uses]~~ shall not take place between the hours of 7:00 PM and 7:00 AM. Between the hours of 7:00 AM to 7:00 PM the maximum decibels (dba) allowed ~~[in the SC, GC, GC, and LI districts is 60 dbA and the maximum dbA allowed in the GI district]~~ is 65 dbA. The Director of Public Works may authorize construction activities during the hours of 7:00 PM to 7:00 AM for good cause shown, including, but not limited to, minimizing peak hour traffic disruptions and performing emergency repairs. Regarding the Fremont Municipal Airport, see **Subsection 15-205.01.**, Airport Overlay (AO) District.

#### ~~[15-5]~~11-623.02. Vibration.

---

- A. **Generally.** Ground vibration can be a nuisance to abutting property, regardless of whether it is perceptible without instruments. The performance standards of this Subsection are intended to

provide standards of protection to limit the negative effects of ground vibration in the City and extra-territorial jurisdiction.

- B. **Measurement.** For the purposes of this Section, vibration is measured as “vibration decibels”, or VdB, which are calculated as:  $VdB = 20 \times \log_{10} (v / (1 \times 10^{-6} \text{ in. /sec.}))$ , where “v” is the rms velocity amplitude, calculated as the average of the squared amplitude of the vibration, measured in inches per second. Under contract to the City, an operator trained to measure vibrations shall make all such measurements and shall submit and certify them to the City. Properties where it is found that the vibration decibels exceed those set out in **Table 15-523.02.**, *Vibration Standards*, shall be ~~responsible for paying the fee~~ **subject to penalties as described herein and any fees** charged by the operator hired by the City.
- C. **Point of Measurement.** All measurements shall be taken at ~~for within the boundary between the originating district and the adjacent residential district or use~~ **the property line** with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.
- D. **Standards.** The standards of **Table 15-523.02.**, *Vibration Standards*, shall be met as measured at the property line, except as provided in Subsection E., below.

Table <del>15-5</del> <b>11-623.02.</b>			
Vibration Standards			
Maximum Continuous Ground Vibration by Adjoining <del>Zoning</del> <b>Property</b> (VdB)			Maximum Impact Vibration (10 or fewer events per day) (VdB)
<del>AG</del> <b>R, SR, AR, UR, MH, SC</b>	<del>PG</del> <b>GC, BP, CU, PO, PD</b>	<b>LI, GI, AV</b>	
55	60	65	70

- E. **Maximum Sound Levels.** All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
- F. ~~**Off Site Boundaries.** Where a lot or parcel proposed for development is located near a different zoning district, but does not include a property line that is also a district boundary line, the standards of this Subsection shall be met at the district boundary line in accordance with Subsection C., above, as well.~~
- G. **Exception.** The following are excepted from these standards:
  1. Vibrations emanating from construction activities between the hours of 7:00 AM and 7:00 PM that are temporary in nature, and ~~necessary for the~~ **commonly associated with** construction activity.
  2. Transient vibrations of moving vehicles, such as trucks and automobiles or trains.
  3. ~~Extraction activities may be granted limited exceptions to impact vibration standards during the conditional use approval process, and those conditions shall be controlling.~~

**~~15-5~~ 11-623.03. Air Quality.**

- A. **Generally.** No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in

general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

- B. **Standards Compliance.** Air quality shall be maintained according to State and Federal standards. Demonstration of compliance shall be provided as required by this Section.
- C. **Emissions.** Applicants for the approval of uses that will emit air pollutants that are subject to regulation pursuant to the Federal Clean Air Act shall demonstrate compliance with that law.
- D. **Control of Wind Blown Dust.** Landowners shall control wind-blown dust.
- E. **Odors.** The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
- F. **Gases.** No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.

#### ~~[15-5]~~11-623.04. Water Quality and Quantity.

---

- A. **Stormwater Management.** Measures to protect water quality and to manage the quantity and velocity of stormwater runoff shall be implemented pursuant to the standards promulgated by the State of Nebraska and the National Pollutant Discharge Elimination System (NPDES), as set out in the latest City Council adopted ordinance in regard to stormwater runoff.
- B. **Grading, Excavating, Erosion, and Sediment Control.** Measures to protect water quality during construction and for land disturbance activities shall be implemented pursuant to the standards set out in the latest City Council adopted ordinance.
- C. **Sewage and Wastes.** No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

#### ~~[15-5]~~11-623.05. Glare and Heat.

---

- A. **Glare from Use.** Glare from any process (such as or similar to arc welding or acetylene torch cutting), which emits harmful ultraviolet rays shall be performed in such manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines or street rights-of-way.
- B. **Glare from Buildings and Structures.** Buildings and structures (including signs) shall be designed and oriented to avoid glare that materially interfere with the safe operation of streets, or the personal enjoyment of a neighboring resident.
- C. **Heat.** No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five (5) degrees Fahrenheit above the ambient air temperature.

#### ~~[15-5]~~11-623.06. Fire Hazard.

---

No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Dodge County and the City of Fremont.

### ~~[15-5]~~11-623.07. Storage of Chemical Products.

---

Any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed one-hundred fifty thousand (150,000) gallons when stored on a lot that is less than one (1) acre. Such storage shall not exceed twenty-five thousand (25,000) gallons in any one (1) tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of twenty-five thousand (25,000) gallons shall be located at least fifty (50) feet from any structure intended for human habitation and at least two hundred (200) feet from a ~~[Rural Residential,]~~ Suburban Residential, ~~[Neighborhood Conservation, General Residential, High Density Residential]~~ Auto-Urban Residential, Urban Residential, Manufactured Housing, Suburban Commercial, General Commercial, Downtown Commercial, ~~[or]~~ Business Park, Campus/University, Parks and Open Space, or Planned Development District.

### ~~[Sec. 15-524 Floodplain Management and Flood Damage Prevention~~

---

Commented [AT11]: Relocated to 11-305.02.

#### ~~15-524.01. Purpose and Application.~~

---

~~A. **Purpose.** It is the purpose of these floodplain management and flood damage prevention standards is to promote the public health, safety, and general welfare, and to lessen public and private losses due to flood conditions to specific areas by provisions designed to:~~

- ~~1. **Protect human life and health;**~~
- ~~2. **Reduce expenditure of public money for costly flood control projects;**~~
- ~~3. **Reduce the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;**~~
- ~~4. **Reduce prolonged business interruptions;**~~
- ~~5. **Reduce damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, and streets and bridges located in special flood hazard areas;**~~
- ~~6. **Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to reduce future flood blight areas;**~~
- ~~7. **Provide a means to respond to requests from potential developers for information supporting a decision regarding whether property is in a special flood hazard area;**~~
- ~~8. **Ensure that potential buyers are notified that property is in a special flood hazard area; and**~~
- ~~9. **Provide that those who occupy the special flood hazard areas assume responsibility for their actions.**~~

~~B. **Application.**~~

- ~~1. **Compliance Required.** These regulations shall apply uniformly to all special flood hazard areas within the City and extra-territorial jurisdiction. No structure or land shall be constructed, located, extended, have fill placed upon, converted, or materially altered without full compliance with the terms of this Section and other applicable regulations regarding floodplain management and flood damage prevention.~~
- ~~2. **Prevailing Restrictions.** This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction that are enforceable by the City conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

## **15-524.02. Floodplain Development Standards.**

---

### **G. General Standards.**

- ~~1. No permit for development shall be granted for new construction, substantial improvement, or other improvements including the placement of manufactured homes within all numbered and unnumbered A Zones (including AE, AO, and AH Zones) unless the conditions of this Section are satisfied.~~
- ~~2. All areas identified as unnumbered A Zones on the Flood Insurance Rate Map (FIRM) are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this UDO. If flood insurance study data is not available, the community shall utilize any base flood elevation data within unnumbered "A" Zones. The developer's engineer shall be required to conduct the necessary studies to determine the 100-year flood elevation and its extent in relation to the development.~~
- ~~3. Until a floodway has been designated, no development including landfill, may be permitted within the flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross-section of the reach in which the development or landfill is located, as shown in the official flood insurance study incorporated in this Section by reference.~~
- ~~4. New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes, and other development shall require the following:
  - ~~a. Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy;~~
  - ~~b. New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination;~~
  - ~~c. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;~~
  - ~~d. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and~~
  - ~~e. All utility and sanitary facilities shall be elevated or flood proofed one foot above the regulatory flood elevation. Such flood proofing is permitted only for non-residential properties.~~~~

### **H. Storage of Materials and Equipment.**

- ~~1. The storage or processing of materials that is in time of flooding buoyancy, flammable, explosive, or could be injurious to human, animal, or plant life is~~
- ~~2. Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.~~

~~I. **Subdivisions and Other New Development.** Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are required to meet the following standards:~~

- ~~1. All subdivision proposals and other proposed new development are consistent with the need to minimize flood damage;~~
- ~~2. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated, and constructed to minimize or eliminate flood damage;~~
- ~~3. Adequate drainage is provided so as to reduce exposure to flood hazards; and~~
- ~~4. Proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or 50 lots, whichever is less, include the regulatory~~

~~J. **Flood Fringe (FF) Overlay District Regulations.**~~

~~1. **Permitted Uses.** Any use permitted in the underlying base district and Floodway (FW) Overlay District shall be permitted in the Flood Fringe (FF) Overlay District. No use shall be permitted in the district unless the standards of Subsections A., B., and C. above, are met.~~

~~2. **Standards.**~~

- ~~a. Any new construction or substantial improvements of residential structures shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.~~
- ~~b. Any new construction or substantial improvements of nonresidential structures shall have the lowest floor, including the basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall be flood-proofed so that below such level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro dynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Director, acting as the Floodplain Administrator. Such flood-proofing is permitted only for nonresidential properties.~~
- ~~c. All new construction and substantial improvements that fully enclose areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydro static flood forces of exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
- ~~d. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.~~
- ~~e. **Manufactured Homes:**~~
  - ~~1. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over the top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:~~

- a. ~~Over the top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.~~
- b. ~~Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.~~
- c. ~~All components of the anchoring system shall be capable of carrying a force of 4,800 lbs.~~
- d. ~~Any additions to manufactured homes shall be similarly anchored.~~
- 2. ~~All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions set out in Subsection e. Manufactured Homes, above, shall be elevated so that either:~~
  - a. ~~Outside of a manufactured home park or subdivision;~~
  - b. ~~In a new manufactured home park or subdivision;~~
  - c. ~~In an expansion to an existing manufactured home park or subdivision; or~~
  - d. ~~In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,~~
- 3. ~~All manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or one foot above the base flood elevation. The manufactured home shall be securely anchored to an adequately anchored foundation system in accordance with the provisions set out in Subsection e. Manufactured Homes, above. These provisions are applicable to manufactured homes that are:~~
  - a. ~~The lowest floor of the manufactured home is at or one foot above the base flood elevation; or~~
  - b. ~~The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection e.1., above.~~
- f. ~~Recreational Vehicles. All recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either:~~
  - 1. ~~On the site for fewer than 180 consecutive days; or~~
  - 2. ~~Be fully licensed and ready for highway use; or~~
  - 3. ~~Meet the permit requirements and the elevation and anchoring requirements for manufactured homes, as set out in Subsection e. above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.~~
- 3. ~~*Special Regulations for AO Zones.* Located within the areas of special flood hazard established in this UDO are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply with AO Zones:~~

- a. ~~All new construction and substantial improvements of residential structures have the lowest floor, including the basement, elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified) or together with attendant utility and sanitary facilities shall be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effect of buoyancy. Such certification shall be provided to the Director, acting as the Floodplain Administrator.~~
- b. ~~All new construction and substantial improvements of nonresidential structures shall:~~
  - 1. ~~(a) Have the lowest floor, including the basement, elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or~~
  - 2. ~~(b) Together with attendant utility and sanitary facilities, completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. Such certification shall be provided to the Director, acting as the Floodplain Administrator.~~
- c. ~~Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.~~
- 4. ~~**Flood-Proofed Construction.** Notwithstanding any other provisions, the provisions of the UDO permitting construction of flood proofed residential basements in Zones A1-30, AH, AO and AE, shall become operative only after approval of an exception analysis of flood proof construction standards as outlined in Section 60.6 (c) of the National Flood Insurance Program Regulations, 44CFR Chapter 1 and declaration by the Mayor of the City of Fremont.~~

**K. Floodway (FW) Overlay District:**

- 1. ~~**Permitted Uses.** Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway (FW) Overlay District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. The following are recommended uses for the Floodway (FW) Overlay District:~~
  - a. ~~Agricultural uses such as general farming, pasture, nurseries, and forestry;~~
  - b. ~~Accessory residential uses such as lawns, gardens, parking and play areas;~~
  - c. ~~Nonresidential areas such as loading areas, parking, and airport landing strips; and~~
  - d. ~~Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.~~
- 2. ~~**Prohibited Uses.** New placement of residential structures including manufactured homes is prohibited with the Floodway (FW) Overlay District.~~
- 3. ~~**Standards.** New structures are prohibited. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of this Section. In Zone A unnumbered, obtain, review, and reasonably utilize any flood elevation and floodway~~

~~data available through Federal, State or other sources or Subsection C.4 above, in meeting the standards of this Section.]~~

**Fiscal Impact:** N/A

