

ORDINANCE NO. 2021-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 151. SUBDIVISIONS, SECTION 151.036 ADMINISTRATIVE SUBDIVISIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held a public hearing on February 1, 2021, and recommended amending Section 151.036 Administrative Subdivisions of the Wayne Municipal Code, with the "Finding of Fact" being staff's recommendation.

Section 2. That Title XV Land Usage, Section 151. Subdivisions, Section 151.036 Administrative Subdivisions of the Wayne Municipal Code is hereby amended as follows:

§ 151.036 ADMINISTRATIVE SUBDIVISIONS.

(A) *Administrator.* The Zoning Administrator of the city is designated as the employee of the city who is authorized to approve, on behalf of the city, further subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way is involved, and such subdivision complies with the existing ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the following conditions are met:

- (1) The tract of land has not been previously subdivided ~~twice~~ as an administrative subdivision or a lot that has been previously split ~~twice~~ under the lot split procedures in the 1979 subdivision regulations, Ord. 947;
- (2) The subdivision does not involve the dedication of full-width streets;
- (3) The subdivision involves the replatting, consolidation or development of one or more lots into not more than ~~four~~ **eight** lots;
- (4) The subdivision would not require the vacation of any occupied utility easements; and
- (5) In the opinion of the Zoning Administrator, the plat is not contrary to the Comprehensive Plan or other plans for the area.

(B) *Administrative application for administrative subdivision approval.* An application for an administrative subdivision approval shall be submitted to the Zoning Administrator. The following shall be submitted with the application:

- (1) Application fee, payable at the City Clerk's office;
- (2) One reproducible Mylar copy of the plat at a scale of one inch to 100 feet;
- (3) One pdf copy of the plat;

- (4) Two paper copies of the plat; and
- (5) Information as required under division (H) below.

(C) *Administrative review.* Upon filing, the Zoning Administrator shall forward the application and supplemental information with a request for comments in seven working days from the following:

- (1) City Electric Department;
- ~~(2) City Fire Department~~
- (2) City Police Department;
- (3) City Street Department;
- (4) City Water/Wastewater Department; and
- ~~(6) School District~~
- (5) County, if applicable.

(D) *Administrative action.* The Zoning Administrator shall approve or disapprove the plat within 15 working days of the filing date. In the event of disapproval, the Zoning Administrator shall give the owner/subdivider a written statement of reasons for the disapproval.

(E) *Administrative certificate of approval.* In lieu of §§ 151.037 and 151.038 of this chapter, plats eligible for administrative approval shall include a certificate of approval to be signed by the Zoning Administrator and attested by the City Clerk. Upon receiving administrative approval, the plat shall be filed with the Register of Deeds in accordance with § 151.038 of this chapter.

(F) *Appeal at administrative disapproval.* The owner/subdivider has the privilege of requesting Planning Commission and Council review and approval in accordance with § 151.037 of this chapter if the Zoning Administrator has disapproved the plat or has not taken action within 15 working days of filing of the plat.

(G) *Planning Commission and Council review and action.* If the plat does not qualify for administrative approval or has been disapproved by the Zoning Administrator, an application for subdivision shall be submitted in accordance with §§ 151.037 and 151.038 of this chapter.

(H) *Administrative subdivision plat information.* The subdivision plat shall be prepared in accordance with the final plat standards in § 151.038 of this chapter.

(I) *Subdivision plat filing.* The City Clerk's office shall be responsible for filing the plat in the Register of Deeds' office in the county.

(J) *Subdivision filing fees.* The owner/subdivider shall be responsible for the payment of all plat filing fees.

(2002 Code, § 74-102) (Ord. 93-12, passed 9-28-1993; Ord. 2010-13, passed 7-12-2010)

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after the passage, approval, and publication as provided by law.

PASSED AND APPROVED this 16th day of March, 2021.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk