

## ORDINANCE NO. 2191

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO SIDEWALK CONSTRUCTION; TO AMEND SECTIONS 8-208, 11-304, AND 11-307 OF THE CRETE MUNICIPAL CODE; TO MANDATE ALL SIDEWALKS BE CONSTRUCTED FIVE FEET WIDE.**

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

**Section 1.** That Chapter 8, Article 2, Section 8-208 of the Crete Municipal Code shall be amended to read as follows:

**8-208 Sidewalks; Manner of Construction.**

(1) All concrete sidewalks shall be constructed according to the following specifications:

- (a) *Cement.* The cement shall be a standard Portland cement.
- (b) *Water.* The water shall be clean, free from oil, acid, strong alkalis, or vegetable matter.
- (c) *Sand.* The sand shall be clean, coarse, hard, durable, free from loam, vegetable, or other deleterious matter.
- (d) *Sub-base.* The sub-base shall consist of a layer of sand one inch thick, well tamped.
- (e) *Sub-grade.* All soft or spongy places shall be removed, and all depressions filled with suitable material, which shall be thoroughly compacted by flooding and tamping in layers not exceeding six inches in thickness.
- (f) *Deep Fills.* When a fill exceeding one foot in thickness is required to bring the walk to grade, it shall be made in a manner satisfactory to the Commissioner. The top of all fills shall extend beyond the walk on each side at least one foot, and the sides shall have a slope of not less than on to one and one-half (1: 1.5).
- (g) *Proportions of Materials.* The Proportions shall not exceed one part cement and four parts of gravel and sand. All sidewalks shall be float-finished.
- (h) *Measuring.* The method of measuring the materials for the concrete, including water, shall be one which will ensure separate uniform proportions at all times.
- (i) *Mixing.* The ingredients of the concrete shall be thoroughly mixed dry, sufficiently water added to obtain the desired consistency, and mixing continued until the materials are uniformly distributed and the mass is uniform in color and homogenous.
- (j) *Slabs.* The slabs shall be ~~four feet square~~ at least five feet in width, except in the business districts where the size of the slabs shall be determined by the Street Commissioner before the construction of the walk.

(2) Sidewalks shall be laid upon a grade of one-fourth (1/4) of an inch to the foot above the curb grade, unless otherwise authorized by the Mayor and Council. All sidewalks shall conform to the specifications adopted by the City as to the quality of work and materials. The whole work of grading and laying of said sidewalk, whether done by the City or by the owner of the respective lot, lots, or parcels of land abutting upon the same, shall be under the supervision of the Public Works Director and subject to his approval. All sidewalks shall conform to the grade where established and, on streets where no grade is yet established, on a grade established by the Engineer or Public Works Director with relation to the particular

points between which said sidewalk is to be built. The Public Works Director shall assist the Engineer in establishing grades on streets where the same have not yet been run.

- (3) Sidewalks shall be built on a grade or level with the surface of the ground as near as can be. When ordered by the Council, any property owner shall rebuild or reconstruct his sidewalk to conform to the grade thus established. It shall be the duty of the Engineer to furnish sidewalk grade when requested by the Public Works Director.

**Section 2.** That Chapter 11, Article 3, Section 11-304 of the Crete Municipal Code shall be amended to read as follows:

**11-304 Definitions.**

For the purposes of this Article, certain terms or words used herein shall be interpreted as follows:

**BUILDING LINE.** A line established generally parallel with and measured from the lot line defining the limits of a yard in which no building, structure, or object may be located above ground, except as may be provided in this article.

**COMMON OPEN SPACE.** That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision for the benefit of the owners of the individual building sites of said development.

**COMMON SEWER SYSTEM.** A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environment and Energy for primary and secondary sewage treatment. Common sewer system does not include individual septic tanks or portable sewage treatment facilities.

**COMMON WATER SYSTEM.** A water system that provides for the supply, storage, and distribution of potable water on an uninterrupted basis and that is in public ownership.

**COMPREHENSIVE PLAN.** The set of long-range development plans adopted by the City to guide the growth and land development of the community for both the current period and the long term.

**COVENANT.** Written promise or pledge.

**CULVERT.** A transverse drain that channels water under a bridge, street, or driveway.

**EASEMENT.** A grant by property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose.

**ENGINEER.** One, licensed by the State of Nebraska, designated by the City Council to act for the City.

**FRONTAGE.** The length of the property abutting on the one side of a street measured along the dividing line between the property and the street.

**GREEN AREA.** Same as common open space.

**IMPROVEMENT.** Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control, and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one main building together with its accessory buildings, the open spaces and parking required by this Article and fronting upon a street.

LOT OF RECORD. A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Saline County Clerk.

LOT, CORNER. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines and the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

LOT, INTERIOR. A lot other than a corner lot with only one frontage on a street.

LOT, THROUGH. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.

LOT, REVERSED FRONTAGE. A lot in which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five degrees, to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

MONUMENTS. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

OUT LOT. Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

PARKING SPACE, OFF-STREET. Off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley and so that any automobile may be parked and unparked without moving another.

PEDESTRIAN WAYS. A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

PLANNED DEVELOPMENT. Special development of certain tracts of land planned and designed as a unit for one or more land uses under the regulations and procedures contained in this Chapter.

PLANNING AREA. The statutory zoning jurisdiction of the City.

PLANNING COMMISSION. The appointed planning body designated by the City Council.

PLAT. Map, drawing, or chart upon which the developer's plan of subdivision is presented to the City Council for approval and, after such approval, to the County Clerk for recording.

PLOT. A parcel of ground.

PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

SETBACK LINE. See Building Line.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK. A dedicated public way, ~~four~~ five feet or more in width, whether along the side of a road or not.

STREET. A way for vehicular traffic and when used in this Article without further explanation, shall indicate platted street or right-of-way.

SUBDIVIDER. The owners, developers or agents of persons or corporations affecting subdivision.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership, building development, or, if a new street is involved, division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR. Any person registered in Nebraska to practice surveying.

THOROUGHFARE, STREET OR ROAD. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

Arterial Street: A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

Collector Street: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Cul-de-sac: A local street of short length with one end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Local Street: A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.

Marginal Access Street: A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road)

VICINITY MAP. A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Crete, in order to better locate and orient the area in question.

WALKWAY. See Sidewalk.

ZONE OR DISTRICT. A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of the use of building, land, and open spaces about buildings are established.

**Section 3.** That Chapter 11, Article 3, Section 11-307 of the Crete Municipal Code shall be amended to read as follows:

**11-307 Streets, Alleys, Sidewalks, Driveways.**

- (1) *Streets.* The arrangements, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) *Street Extensions.* The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the City Council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the City Council deems it necessary, such dead end streets shall be provided with a temporary turnaround having a radius of at least sixty feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.
- (3) *Dedication of Right-of-Way for New Streets.* The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive development plan. All streets classified as arterial streets by the comprehensive development plan shall have all points of access approved by the City Council. Marginal access streets may be required by the City Council for subdivisions fronting on arterial streets.
- (4) *Dedication of Right-of-Way for Existing Streets.* Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Article. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.
- (5) *Intersections.* Streets shall intersect as nearly as possible at an angle of ninety degrees (90°), and no intersection shall be at any angle of less than sixty degrees (60°). Street curb intersections shall be rounded by radii of at least twenty feet. When the smallest angle of street intersection is less than seventy-five degrees (75°), the City Council may require curb radii of greater length. Wherever necessary to permit the construction of curb having a desirable radius without reducing the sidewalk at street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within fifty feet of the right-of-way of any street which intersects such arterial street on, the side of which such lot or parcel is located.

(6) *Horizontal and Vertical Street Curves.* A tangent at least one hundred feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten degrees (10°) in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves provided shall be required. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half feet above the pavement surface to an object four inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale may be required by the City.

(7) *Street Grades and Elevations.* All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one-half of one percent (0.5%). The City shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the City shall require profiles or elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood height.

(8) *Widths and Grades.* Right-of-way widths, pavement widths, and grades shall be:

Street Classification	Minimum Right-of-way Width (ft.)	Minimum Pavement Width (ft.)	Maximum Grade (%)
Arterial	80	32	7
Collector	50	32	7
Local	50	30*	10
Cul-de-sac or Loop	60	100 ft. diameter	10
Marginal access (frontage road with no parking)	50	32	10
Alley	20	16	10

\*Provided on-street parking is allowed only on one side of street; thirty-two feet required if parking allowed on both sides of street.

(9) *Marginal Access Streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the City may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(a) Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway or local traffic volumes and vehicular speeds warrant special safety considerations, the City may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

(b) Where a subdivision borders on or contains a railway right of-way or limited access highway right-of-way, the City may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements

of approach grades and future grade separations.

- (10) *Street Jogs.* Street jogs with centerline offsets of less than one hundred twenty-five feet shall be prohibited. Cul-de-sacs, minor terminal or dead end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred feet and shall be provided at the closed end with a turnaround having a radius at the outside of the right-of-way of at least sixty feet.
- (11) *Street Names.* Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than forty-five degrees without a return to the original alignment within a distance of five hundred feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Engineer prior to such names being assigned or used.
- (12) *Private Streets and Reserve Strips.* There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City or County under conditions approved by the Council as authorized herein.
- (13) *Grading Specification.* All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.
- (14) *Minimum Pavement Widths.* Pavement widths shall be measured between curb backs. Minimum pavement or surface widths shall be provided according to the code of the City of Crete.
- (15) *Street Surfacing.* The streets in the proposed subdivision shall be paved, including curbs and gutters, and street surfacing shall be of concrete or any other suitable surface as recommended by the City Engineer and approved by the City Council. Requirements for paving, including curb and gutter, may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of three hundred feet or more or an average lot width of three hundred feet, subject to the approval of the City Engineer. Streets in such subdivision shall have a crushed rock or gravel surface which meets the specifications of the City.
- (16) *Curb and Gutter.* Curb and gutter shall be provided as required by the City Engineer. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards

of the City and as approved by the City Engineer.

- (17) *Street Name Signs.* Street name signs, of a type in use throughout the City, shall be erected by the subdivider at all intersections.
- (18) *Alleys.* Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall be twenty feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead end, as determined by the City Council. Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the City Council.
- (19) *Sidewalks.* Sidewalks shall be provided as required by existing City ordinances and shall be constructed of Portland cement concrete or other acceptable materials as approved by the City Council. Sidewalk thickness shall be not less than four inches and sidewalk width not less than ~~four~~ five feet.
- (20) *Driveways.* Driveways shall have a maximum grade of ten percent (10%). Driveways and curb cuts shall be located no less than three feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.
- (21) *Street and Walkway Lighting.* The subdivider shall install street lights as required by the City Council. Such lights shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two adjacent street or walkway lights would exceed three hundred, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground, if required by the Public Works Director of the City.

**Section 4.** That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

**Section 5.** That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

**Section 6.** That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

**Section 7.** That this ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.



PASSED AND ENACTED the 19th day of December 2023.

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Mayor

ATTEST:

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City Clerk

Seal