

## **CHAPTER 11: MUNICIPAL PLANNING**

### Article

- 1. MUNICIPAL LIMITS**
- 2. LAND USE PLAN**
- 3. CONFLICTS**
- 4. GROUP HOMES**
- 5. PENAL PROVISION**



## **ARTICLE 1: MUNICIPAL LIMITS**

### **§ 11-101 MUNICIPAL LIMITS; DEFINED.**

All additions, lots, lands, subdivisions, and parcels of ground included within the official Municipal Map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality, or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original townsite or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Municipal Engineer after such addition or change has been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska. *(Ref. 17-405 thru 17-426, 17-1002, 17-1003 RS Neb.)*

### **§ 11-102 ORIGINAL PLATS.**

Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Municipality, and not vacated of record prior to the enactment of this Chapter, including the Original Plat of the Municipality, are hereby accepted, approved, and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof. *(Ref. 17-405 thru 17-426, 17-1002, 17-1003 RS Neb.)*

### **§ 11-103 PLANS, PLATS AND THE LIKE; MUNICIPAL OFFICIALS; DUTY.**

*(Transferred to Chapter 9, Article 2 as § 9-205)*

### **§ 11-104 MUNICIPAL PLANNING; DESIGNATION OF EXTRATERRITORIAL JURISDICTION.**

The territory located within one mile of the corporate limits of the City is hereby designated as the City's extraterritorial jurisdiction for the purpose of exercising the powers and duties granted by sections

17-1002 and 17-1003 RS Neb. with respect to subdivisions and platting and section 19-2402 RS Neb. with respect to extension of water or sanitary sewer service. The boundaries of the territory so designated shall be as shown on the official zoning map, a copy of which is on file and available for public inspection in the office of the City Clerk. *(Ref. 17-1002 RS Neb.) (Ord. No. 781, 6/11/02)*

#### **§ 11-105 MUNICIPAL PLANNING; SUBDIVISIONS AND ADDITIONS PERMITTED.**

The proprietor or proprietors of any land within the corporate limits of the City, or of any land within the area designated as the City's extraterritorial jurisdiction pursuant to section 17-1002 RS Neb., may lay out such land into lots, blocks, streets, avenues, alleys, and other grounds under the name of \_\_\_\_\_ Addition to the City of Plainview and may subdivide, plat, or lay out any such land upon conformance to and compliance with the conditions in this code and state law. *(Ref. 19-916 RS Neb.) (Ord. No. 782, 6/11/02)*

#### **§ 11-106 MUNICIPAL PLANNING; SURVEY AND PLAT.**

(A) The owner or proprietor of any tract or parcel of land who shall subdivide the same into two or more parts for the purpose of laying out any addition to the City or any part thereof, or suburban lots, shall cause a plat of such subdivision, with references to known or permanent monuments, to be made, which shall accurately describe all subdivisions of such tract or parcel of land, numbering the same by progressive numbers, and giving the dimensions and length and breadth thereof, and the breadth and courses of all streets and alleys established therein. *(Ref. 17-415 RS Neb.)*

(B) The map or plat of land within the corporate limits of the City or of any land within the area designated as the City's extraterritorial jurisdiction pursuant to section 17-1002 RS Neb. shall designate explicitly the land so laid out and particularly describe the lots, blocks, streets, avenues, alleys, and other grounds belonging to such addition. The lots shall be designated by numbers, and streets, avenues, and other grounds, by names or numbers. Such plat shall be acknowledged before some other officer authorized to take the acknowledgments of deeds, and shall contain a dedication of the streets, alleys, and public grounds therein to the use and benefit of the public, and have appended a survey made by some competent surveyor with a certificate attached, certifying that he or she has accurately surveyed such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked. When such map or plat is so made out, acknowledged, and certified, and has been approved by the City Council, the same shall be filed and recorded in the office of the Register of Deeds and County Assessor. *(Ref. 19-916 RS Neb.) (Ord. No. 783, 6/11/02)*

**§ 11-107 MUNICIPAL PLANNING; ADDITIONS; INCORPORATION INTO MUNICIPALITY.**

All additions to the City laid out and previously located within the corporate boundaries of the City shall remain a part of the City. All additions laid out adjoining or contiguous to the corporate limits may be included within the corporate limits and become a part of the City for all purposes whatsoever at such time as the addition is approved as provided in section 19-916 RS Neb. If the City Council includes the addition within the corporate limits, the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all the laws, ordinances, rules, and regulations of the City. (*Ref. 19-916 RS Neb.*) (*Ord. No. 784, 6/11/02*)



## **ARTICLE 2: LAND USE PLAN**

### **§ 11-201 COMPREHENSIVE PLAN; ADOPTED.**

In order to accommodate anticipated long-range future growth, the Comprehensive Development Plan for the City of Plainview, Nebraska has been duly adopted pursuant to state statutory procedure. One (1) copy of the adopted Plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours. (*Ref. 18-132 RS Neb.*)

### **§ 11-202 ZONING REGULATIONS; ADOPTED.**

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, and to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, the Zoning Regulations for the City of Plainview, Nebraska, as prepared by White, Hamele, and Hunsley, Grand Island, Nebraska, and published in pamphlet form, have been adopted by Ordinance No. 262, June 10, 1975. One (1) copy of the adopted Zoning Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours. (*Ref. 18-132, 18-1302 RS Neb.*) (*Amended by Ord. Nos. 530, 531, 2/27/90; 823, 5/11/04, 853, 7/21/06; 916, 2/11/13.*) (*Changes in the City Clerk's Office*)

### **§ 11-203 SUBDIVISION REGULATIONS; ADOPTED.**

To provide for harmonious development of the Municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the Municipality; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers and the Planning Commission and Governing Body, the Subdivision Regulations for the City of Plainview, Nebraska, as prepared by White, Hamele, and Hunsley, Grand Island, Nebraska, and published in pamphlet form, have been adopted by Ordinance No. 262, June 10, 1975. One (1) copy of the adopted Subdivision Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours. (*Ref. 17-1003, 18-132 RS Neb.*) (*Amended by Ord. Nos. 530, 531, 2/27/90.*) (*Changes in the City Clerk's Office*)

**§ 11-204 ZONING REGULATIONS; MANUFACTURED HOMES; STANDARDS.**

(1) A manufactured home may be used as a residential structure if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development.

(2) Manufactured homes permitted pursuant to this section shall be located and installed according to the following standards which are applicable to site-built, single-family dwellings:

- (a) The home shall be located and installed on a permanent perimeter foundation;
- (b) The home shall be installed with permanent utility connections;
- (c) The home shall comply with all planning and zoning regulations;

(3) Manufactured homes shall also meet the following standards:

- (a) The home shall have no less than nine hundred (900) square feet of floor area;
- (b) The home shall have no less than an eighteen-foot (18') exterior width;
- (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches (2 ½") for each twelve inches (12") of horizontal run;
- (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- (e) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
- (f) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

(4) Nothing in this section shall be deemed to supersede any valid restrictive covenants of record.

(5) For purposes of this section, manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq. promulgated by the United States Department of Housing and Urban Development,



or (b) a modular housing unit as defined in section 71-1557 RS Neb., bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act. (*Ref. 19-902 RS Neb.*) (*Ord. No. 615, 2/14/95*) (*Amended by Ord. No. 718, 4/8/99*)

**§ 11-205 FUEL STORAGE AND PROPANE TANKS.**

All liquid fuel storage and propane storage tanks located within the City limits of Plainview shall conform in all respects with the statutes of the State of Nebraska and the regulations of the State Fire Marshal. Construction or installation of such a tank shall require a building permit, which shall be processed through regular procedures for building permits. (*Ord. 723, 5/11/99*)



## **ARTICLE 3: CONFLICTS**

### **§ 11-301 CONFLICTS.**

Where the provisions adopted in this Chapter conflict with one another or with the provisions of Chapter 9 of this Municipal Code, the most restrictive or stringent provisions shall govern.



## **ARTICLE 4: GROUP HOMES**

### **§ 11-401 GROUP HOMES; DEFINED.**

For the purposes of this Article, unless the context otherwise requires, the term "group home" shall mean a facility licensed by the State of Nebraska in which at least four (4) but not more than eight (8) persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation. *(Ref. 18-1744 RS Neb.)(Ord. No. 360, 10/13/80)*

### **§ 11-402 GROUP HOMES; ESTABLISHMENT.**

A group home, as defined in Section 11-401, may be established and operated in any residential zone within the exercised zoning jurisdiction of the Municipality, except as limited in Section 11-403. *(Ref. 18-1745 RS Neb.) (Ord. No. 360, 10/13/80)*

### **§ 11-403 GROUP HOMES; ESTABLISHMENT, EXCEPTIONS.**

Departments and agencies of the state are prohibited from licensing a new group home if it will be within twelve hundred (1200') feet of an existing group home, unless the Governing Body grants the proposed facility a conditional or special use permit. For purposes of this Section, "existing group home" shall include, in addition to group homes defined in Section 11-401, a home of any size which serves other populations, including but not limited to correctional homes and homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.

The number of group homes established in the Municipality shall be limited according to the population of the Municipality, except that the Governing Body may issue a variance to allow additional group homes. For the Municipality with a population of one thousand (1,000) residents or less, one (1) group home may be established, for a Municipality with of population of more than one thousand (1,000) and less than ten thousand (10,000) residents, one (1) group home may be established for every two thousand (2,000) residents, for a Municipality with a population of at least ten thousand (10,000) residents but less than fifty thousand (50,000) residents, one (1) group home may be established for every three thousand (3,000) residents. *(Ref. 18-1746, 18-1747 RS Neb.)(Ord. No. 360, 10/13/80)*



**ARTICLE 5: PENAL PROVISION**

**§ 11-501 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 744, 7/11/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*

