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CHAPTER IX

MUNICIPAL PLANNING

ARTICLE I - MUNICIPAL LIMITS

SECTION 9-101: 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 City Council or by law duly annexed to or made a part of this city, 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 City, are hereby declared to be within the corporate limits of the City. Lawfully constituted additions or changes in said municipal limits shall be indicated upon said maps and plat by the city engineer after such addition or change has been completed in accordance with the ordinances of this city and the laws of the State of Nebraska.

SECTION 9-102: ORIGINAL PLATS

Each and all plats, lots, blocks, additions, subdivisions, outlots and parcels of ground included within the corporate limits of the City and not vacated of record prior to the enactment of this chapter, including the Original Plat of the City, 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 city and an integral part thereof.

ARTICLE II - SUBDIVISIONS AND ADDITIONS

SECTION 9-201: SUBDIVISIONS AND ADDITIONS

The owner of any tract of land within the corporate limits of the City or within one mile contiguous thereto may lay out said land into lots, blocks, street, avenues and alleys as a suburban development or as an addition to the City upon conformance to and compliance with the conditions herein and with the statutes of Nebraska.

(Ref. Neb. Rev. Stat. §17-405, 17-426, 17-1002, 19-902)

SECTION 9-202: SURVEY AND PLAT

The owner or proprietor of any tract or parcel of land within the corporate limits or within one mile thereof desiring to subdivide or lay out said tract of land shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments and said map or plat shall explicitly describe the land so laid out. The map or plat shall designate the tract as "_____ Addition to the City of Atkinson, Nebraska," or "Subdivision of the City of Atkinson, Nebraska," whichever is appropriate. The lots and blocks shall be designated by numbers and the streets and avenues by names coinciding with the streets and avenues of the City of which they form continuations. The plat shall show the length and depth of the lots and the width and course of all streets, avenues and alleys, together with an accurate plat of all lots, blocks and streets.

(Ref. Neb. Rev. Stat. §17-405, 17-1002, 17-1003, 19-902)

SECTION 9-203: SURVEYOR'S CERTIFICATE

The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat, that he/she accurately surveyed the said tract and that the lots, blocks, streets, avenues and alleys are accurately shown upon the said map or plat.

(Ref. Neb. Rev. Stat. §17-405, 17-1003, 19-902)

SECTION 9-204: DEDICATION

Said map or plat shall have written thereof or attached thereto a dedication to this city for the use of the public of all streets, avenues, alleys, parks, squares and commons, and all land set apart for public use or dedicated to charitable, religious and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land and shall be duly acknowledged as required by law.

(Ref. Neb. Rev. Stat. §17-417, 17-1003)

SECTION 9-205: STREETS AND ALLEYS

Streets and alleys laid out in any addition to or in any suburban development of the City shall be continuous with and correspond in direction and width to the streets and alleys of the City to which they are an addition.

(Ref. Neb. Rev. Stat. §17-418, 17-1003)

SECTION 9-206: APPROVAL OF PLAT

Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the City Council; or by its designated agent when the subdivision is of existing lots and blocks where all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and the subdivision complies with requirements concerning minimum areas and dimensions of such lots and blocks. Where the County has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the County, then the County Planning Commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the Commission shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and such acceptance and approval endorsed thereon; provided that before any such map or plat shall be considered, approved or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes and special assessments due thereon, and shall produce a certificate showing that all such taxes and assessments have been paid or canceled.

(Ref. Neb. Rev. Stat. §17-405, 17-1002, 19-902, 19-916)

SECTION 9-207: RECORDING PLAT

If a majority of all members of the City Council shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the City Council granting such approval or declaring the annexation of such territory to the corporate limits of this city and extending the limits thereof accordingly, whichever is appropriate. An accurate map or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor, and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the register of deed of the County, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of said city; provided that plats and subdivisions are not authorized to be recorded if such plat or subdivision has not been approved by the City Council or its designated agent.

(Ref. Neb. Rev. Stat. §17-405, 17-417, 17-1002, 19-902, 19-916, 23-1506)

SECTION 9-208: ADDITIONS

All additions to this city which have heretofore been approved and accepted, or which may hereafter be laid out in accordance with the provisions herein and accepted and approved, shall be and become incorporated in this city for all purposes whatsoever, and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of said city.

(Ref. Neb. Rev. Stat. §9-902)

SECTION 9-209: FILING OF VACATIONS OF PUBLIC STREETS AND ALLEYS

All ordinances vacating a public street or alley within the corporate limits of the City shall be filed within 30 days with the county register of deeds.

(Ref. Neb. Rev. Stat. §14-375)

ARTICLE III - ZONING REGULATIONS

SECTION 9-301: ADOPTED BY REFERENCE

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 and Subdivision Regulations for the City of Atkinson, Nebraska, as prepared by R.N. Wozniak in conjunction with the Region 24 Council of Governments and published in pamphlet form, are hereby adopted. The adoption of such zoning and subdivision regulations shall include any amendments thereto as may be made from time to time. Said regulations, as well as such amendments, are hereby incorporated by reference in this section as if set out in full. Three copies of the adopted Zoning Regulations shall be kept on file with the city clerk and available for inspection by any member of the public during office hours.
(Amended January 5, 2004, Ord. No. 911)

SECTION 9-302: MANUFACTURED HOMES; STANDARDS

1. A manufactured home may be used as a residential structure in any zone in which residential uses are permitted 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 setback and lot requirements of the residential zone in which it is located;
 - d. The home shall comply with the minimum square footage requirements of the residential zone in which it is located.
3. Manufactured homes shall also meet the following standards:
 - a. The home shall have no less than 900 square feet of floor area;

- b. The home shall have no less than an 18 foot exterior width;
- c. The roof shall be pitched with a minimum vertical rise of 2 1/2 inches for each 12 inches 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 CFR 3280 et seq. promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined Neb. Rev. Stat. §71-1557, bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act.

ARTICLE IV - PENAL PROVISION

SECTION 9-401: VIOLATION; PENALTY

Any person, whether as owner, proprietor, or as the agent, attorney or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the City or adjoining or contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining or contiguous thereto, without having first obtained the acceptance and approval of the plat or map thereof by the City Council; and any person who shall violate or who shall fail, neglect or refuse to comply with any of the provisions herein, as now existing or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding \$500.00.