



# **Hall County Regional Planning Commission**

**Wednesday, November 5, 2014  
Regular Meeting**

## **Item 1**

**Discussion of Housing Definitions - Regulations and potential  
changes to Subdivision Submittals County wide.**

**Staff Contact: Chad Nabity**

### **§33-7. Preliminary Study and Data**

(1) The subdivider shall prepare and file with the Planning Commission twenty-five (25) copies of the proposed preliminary study and required data at least twenty (20) days prior to the date of the next regular Planning Commission meeting at which approval of the preliminary study is requested for standard preliminary plat requests. Twenty-five (25) copies of preliminary study or plat approval requests for planned developments including: Commercial Development Zone, Residential Development Zone, Travel Development Zone, Gateway Corridor (Overlay) District, and Mobile Home Residential Zone; shall be submitted at least forty (40) days prior to the next regular Planning Commission meeting at which approval of the preliminary study is requested.

(2) The director of Planning shall, at least ten (10) days prior to the Planning Commission meeting, transmit a copy of the proposed preliminary study to the Board of Education of the school district or districts involved, the public works director, director of utilities operations, and any other department or agency that may be affected by the plat and as the commission may designate. Such department or agency except said Board of Education shall have five days to review the referred preliminary study and report back to the director of Planning any requirements or recommendation pertinent to approval of the study. The director of Planning shall examine the preliminary study as to compliance with laws and ordinances of the approved master plan, other official plans and good planning principles; analyze the recommendations submitted by other departments and agencies; coordinate these recommendations and submit his recommendations to the Planning Commission at the next regular meeting.

(3) The Planning Commission shall consider all evidence presented by the subdivider, the director of Planning, and others, and shall approve or disapprove the preliminary study, and shall transmit its recommendation along with all supporting papers to the City Council. A copy of the recommendation shall be sent to the subdivider, and one copy shall be retained in the permanent files of the Planning Commission.

(4) The city council shall consider and act upon the Planning Commission's recommendation, and shall approve or disapprove the preliminary study. In the event of disapproval, the council shall notify the Planning Commission and state specific reasons for disapproval, a copy of which shall be transmitted to the subdivider. Approval by the council shall be effective for a period of twelve months, after which if a final plat has not been submitted to the Planning Commission for approval, reapproval of the preliminary study by the Planning Commission and council shall be required.

(5) The preliminary study shall be made from an accurate survey made by a licensed land surveyor in the State of Nebraska. The acceptable scale shall be between 10 and 100 feet to the inch. Scales of more than 100 feet per inch may be permitted by the Director of Planning for very large projects. All preliminary studies shall provide the following information:

(a) Proposed name and acreage of the subdivision.

(b) Name and address of owner, subdivider, and engineer or land surveyor.

(c) A legal description sufficient to define the location and boundaries of the subdivision and evidence of ownership of the property proposed to be subdivided.

(d) A map indicating plans for the development of the entire area if the proposed plat is a portion of a larger holding intended for subsequent development. Preliminary engineering plans for all improvements for the entire holding shall be a part of the requirement. Positive drainage from easements shall be included in the drainage plan.

(e) Location, width, and name (if any) of all highways, streets, easements, right-of-way or railroad, whether public or private, parks, or other open spaces within and adjacent to the proposed subdivision. Tentative grades and direction of flow in streets and easements shall be shown.

(f) Location, grade, and size of existing and proposed storm drainage facilities, sanitary sewers, water mains, electric, CATV, telephone, and gas mains within and adjacent to the proposed subdivision.

(g) Contours at intervals of six inches.

(h) If any portion of the land within the boundary of the proposed subdivision is subject to flood or storm water overflow, that fact and location shall clearly be shown. Areas covered by water and trees shall also be shown.

(i) Layout, approximate dimensions, proposed use, number of each lot, and number of each block shall be indicated.

(j) Location and outline to scale of each existing building or structure.

(k) Date, north point, and scale shall be shown.

(l) All areas not a part of the proposed plat due to other ownership shall be clearly shown and marked "Not a Part."

(m) If the lots within the proposed subdivision are to be served by individual water supply and sanitary sewage systems, then the general location of such facilities on each lot shall be shown.

**§33-8. Final Plat**

(1) The subdivider shall prepare and file with the Planning Commission twenty-five (25) copies of the proposed final plat at least twenty (20) days prior to the date of the next regular Planning Commission meeting at which approval of the final plat is requested for standard final plats. Twenty-five (25) copies of final plat approval requests for planned developments including: Commercial Development Zone, Residential Development Zone, Travel Development Zone, Gateway Corridor (Overlay) District, and Mobile Home Residential Zone; shall be submitted at least forty (40) days prior to the next regular Planning Commission meeting at which approval of the final plat is requested.

(2) At the time of filing of the final plat with the Planning Commission the subdivider shall pay to the city treasurer a filing fee, as provided by a fee schedule approved by the City Council, which shall not be refundable unless such final plat is withdrawn by the subdivider prior to consideration by the Planning Commission.

(3) The director of Planning shall, at least ten (10) days prior to the Planning Commission meeting, transmit a copy of the proposed final plat to the Board of Education of the school district or districts involved, the public works director, the director of utilities operations, and any other department or agency that may be affected by the plat and as the Commission may designate. Such department or agency except said Board of Education shall have five days to review the referred final plat and report back to the director of Planning any requirements or recommendations pertinent to approval of the final plat. The director of Planning shall examine the final plat as to compliance with laws and ordinances of the master plan; other official plans and good planning principles and compliance with the approved preliminary study if submitted; analyze the recommendations submitted by other departments and agencies; coordinate these recommendations and submit his recommendation to the Planning Commission at the next regular meeting.

(4) The Planning Commission shall review the recommendation of the director of Planning and either approve or disapprove the final plat. If the Planning Commission finds that the final plat has been prepared in compliance with these regulations and in substantial conformance with the approved preliminary study, such plat shall be approved. In the event of disapproval, specific points of variance with aforesaid requirements shall be a part of the Planning Commission's recommendation. The Planning Commission shall transmit its recommendation, along with a copy of the final plat, to the city council. A copy of the recommendation shall be sent to the subdivider, and one copy shall be retained in the permanent files of the Planning Commission.

(5) The city council shall consider and act upon the Planning Commission's recommendation and shall approve or disapprove the final plat. If it finds that the final plat has been prepared in compliance with these regulations and in substantial conformance with the approved preliminary study, such plat shall be approved. In the event of disapproval, specific points of variance with aforesaid requirements shall be a part of the official record. Upon approval of the final plat, the subdivider shall, within twelve months, furnish the following departments the data as shown or such approval shall become null and void:

- (a) Register of Deeds
  - (i) Approved final plat
  - (ii) Protective covenants, restrictions and conditions, if any.
  - (iii) Approved drainage plan.
- (b) City Clerk
  - (i) Print of approved plat.
  - (ii) Approved subdivision agreement.
  - (iii) Print of approved drainage plan.
- (c) Public Works Director
  - (i) Reproducible of approved final plat.
  - (ii) Reproducible of approved drainage plan.
  - (iii) Copy of approved erosion control plan unless the subdivision contains less than five acres in size.

(6) The final plat shall be in permanent black lettering and lines on high grade linen or mylar which is reproducible with dimensions of 18 inches by 24 inches. The acceptable scale shall be between 10 and 100 feet to the inch. In the event that the entire plat cannot be one sheet, it shall be submitted in two or more sheets of the same dimensions along with an index sheet showing the entire development at a smaller scale. All final plats shall portray the following information.

- (a) Name of subdivision, north arrow, scale, date, and names of subdivider, owner, and land surveyor.

(b) Legal description of the property, including location of boundary lines in relation to section, township, range, county, and state. The perimeter of the subdivision shall be clearly and distinctly indicated.

(c) The lines of all streets and alleys and other lands to be dedicated with their widths and names.

(d) All lot lines and dimensions and numbering of lots and blocks according to a uniform system.

(e) Location, use, and width of all easements for public use, drainage, services, and utilities.

(f) All dimensions in feet and decimals of feet, both linear and angular, interior angles, length of radii and/or arcs of all curves, with all other information necessary to reproduce the plat on the ground.

(g) The perimeter and blocks of the plat shall have a closure to an allowable unadjusted error of 1 to 7500. Latitudes and departure computations shall be submitted.

(h) The location and description of all permanent monuments in the subdivision.

(i) The description, location, and elevation of all benchmarks.

(j) Names in dotted lettering of adjacent plats with the location and widths of adjoining streets shown by dashed lines.

(k) Certificate, seal, and signature of land surveyor.

(l) Notarized certificate and signature of all parties having title interest in the land being subdivided consenting to dedication and recording of the final plat as submitted.

(m) Certificates to be signed by the chairman of the Planning Commission, mayor, and city clerk.

(n) All areas not a part of the plat due to other ownerships shall be clearly shown as "Not a Part."

(o) Electronic subdivision requirements as provided in Addendum "A" of this chapter. The plat shall meet the drawing standards as identified in Addendum "B" of this chapter. Certificates shall be written in a format consistent with those shown on Addendum "B" of this chapter.

(p) References to a minimum of three established points, such as section corners, section quarter corners, block or subdivision corners, at least one of which shall be a County Control Point.

(q) A closure sheet shall be included with all submitted final plats. Said closure sheet shall include northing and easting coordinates for each point on the Subdivision Boundary and bearing and distance between points.

(r) The following supplementary engineering data and plans shall be submitted following approval of the final plate:

(i) Paving design, including alignment, grades, and a typical cross-section.

(ii) Public sidewalks design and location.

(iii) Location of telephone, electric, and CATV facilities, if underground.

(iv) Location, grade, and size of existing and proposed storm drainage facilities, sanitary sewers, water mains, and gas mains within the proposed subdivision.

(v) Location and outline to scale of each existing building or structure which is not to be removed in the final development.

(vi) Final approved drainage plan including the location, grade, and direction of flow of easements, and showing the proposed general locations of individual water supply and sanitary sewer systems on each lot, if applicable.

(vii) An approved erosion control plan to prevent wind and water erosion during any activity that will remove natural surface cover from within the subdivision boundary. This plan shall not be required for any subdivision containing less than one acre in size.

(viii) Final approved drainage plans shall be required with the submission of all final plats. A drainage plan may be submitted with the paving and storm water plans, but the paving plan will not be signed off until the drainage plan is approved by the Director of Public Works and proof of its filing at the Register of Deeds office is submitted to the Director of Public Works.

Amended by Ord. No. 8921, effective 7-28-2004

Amended by Ord. No. 9081, effective 10-25-2006

### **33-8.1. Final Plat-Administrative Subdivision**

(1) The subdivider shall prepare and file with the Director of the Planning Commission, three (3) copies of the proposed administrative subdivision final plat.

(2) At the time of filing of the administrative subdivision final plat with the Planning Director, the subdivider shall pay to the city treasurer, a nominal filing fee as provided by a fee schedule approved by the Regional Planning Commission and City Council. Such fee shall not be refundable, unless the administrative subdivision final plat is withdrawn by the subdivider prior to consideration by the Planning Director.

(3) The administrative subdivision final plat shall be prepared in accordance with final plat requirements specified and set forth in Section 33-8(6), excepting subsections (m) and (o). A place of certification to be signed by the Planning Director shall also be provided.

(4) The Planning Director shall examine the administrative subdivision final plat as to its compliance with the Zoning ordinance, Subdivision ordinance and Building Code of the City. If the Planning Director finds that the administrative subdivision final plat has been prepared and submitted in compliance with the aforementioned ordinances, the Planning Director shall approve such plat. If the Planning Director finds that the proposed plat does not qualify for approval as an administrative subdivision final plat, the Planning Director shall return the proposed plat to the subdivider, without an approval.

(5) Upon approval of the administrative subdivision final plat, the subdivider shall, within twelve (12) months, furnish the following departments the data as shown below or such approval shall become null and void:

- (a) Register of Deeds
  - (i) Approved administrative subdivision final plat
  - (ii) Protective covenants, restrictions and conditions, if any.
- (b) City Clerk
  - (i) Print of approved administrative subdivision final plat.
- (c) Public Works Director
  - (i) Reproducible of administrative subdivision final plat.

Amended by Ord. No. 9081, effective 10-25-2006

**Group Care Home** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.

**Group Home for the Disabled** shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "disabled" shall mean having:

- (A) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- (B) A record of having such an impairment; or
- (C) Being regarded as having such impairment.

Handicap shall not include current, illegal use of or addiction to a controlled substance as defined in state statutes.

**Group Housing** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

**Guest Room** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

**(H)**

### **36-43. Zoning Districts**

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within one mile of the corporate boundaries, the City is hereby divided into zoning districts.