

City of

BEATRICE

Nebraska

SUBDIVISION ORDINANCE

**ARTICLE ONE
GENERAL PROVISIONS**

LAST UPDATED – SEPTEMBER 2014

ARTICLE ONE – GENERAL PROVISIONS

101 Title

This Ordinance shall be known as the Subdivision Ordinance of the City of Beatrice.

102 Authority and Purpose

A. Authority

This Ordinance is adopted pursuant to the authority granted to the City of Beatrice under Chapter 19, Article 9, and Chapter 16, Article 9 of the Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

B. Purposes

The purposes of this Subdivision Ordinance are to:

1. Serve the public health, safety, and general welfare of the City and the residents of the City of Beatrice and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Beatrice or the residents of the jurisdiction of the City for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Beatrice by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Beatrice with the ability to grow incrementally through the eventual annexation of new developments.

103 Relationship to the Comprehensive Development Plan

- A. The City of Beatrice intends that this Subdivision Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
- B. The Subdivision Ordinance shall supplement and facilitate the provisions of the Comprehensive Development Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Beatrice's Capital or General Fund Budget.

104 Jurisdiction and Applicability

- A. The provisions of this Ordinance shall be applicable to all land located within the City of Beatrice and within two (2) miles thereof.
- B. The owner or owners of any land located within the jurisdiction of this Subdivision Ordinance who proposes to divide said land into two (2) or more lots, blocks, tracts or parcels, when the smallest parcel created is ten (10) acres or less in area, or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a Plat to be made in accordance with this Subdivision Ordinance, unless exempted under subsection (c) of this section.
- C. This Subdivision Ordinance shall not apply in the following instances:
 - 1. The division of land for agricultural purposes into parcels or tracts of more than ten (10) acres and not involving any new streets or easements of access.
 - 2. Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, State or Federal regulations, where no new street or easement of access is involved.
 - 3. Any transfer of title by operation of eminent domain or court ordered partition or decree.

105 Amendment

When necessary, this Ordinance may be amended through recommendation by the Planning and Zoning Commission to the City Council. The City Council shall then take action on amendments.

106 Fees

The City Council of the City of Beatrice may establish by resolution reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

107 Enforcement

The Building Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning and Zoning Commission, City Council, or other appropriate agency.

108 Penalties

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 of Beatrice or within two (2) miles thereof, or who shall sell, transfer, deed or convey, contract or agree to sell, transfer or offer for sale, or construct any building or improvement thereon, any lot or piece of ground in any addition or subdivision within the corporate limits, or within two (2) miles thereof, without having first obtained the acceptance and approval of the final plat or map thereof by the Planning Commission and by the Council, or by the appropriate officials in the case of an administrative subdivision, and any person who shall violate, or who shall fail or neglect, or refuse to comply with any of the provisions of this ordinance, as now existing or as hereafter amended, shall, upon conviction, be fined a sum not to exceed One Hundred Dollars (\$100.00) for any one offense. The offering for sale, contracting to sell, or selling of each lot or piece of ground shall be deemed a separate and distinct offense; and each day such violation continues after notice of violation is given to the offender may be considered a separate offense.

109 Interpretation, Conflict, and Severability

- A. The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of this Subdivision Ordinance conflicts with any other provision of this Subdivision Ordinance, any other Ordinance of the City of Beatrice, or any applicable State or Federal law, the more restrictive provision shall apply.
- B. These provisions shall not relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- C. If any chapter, section, subsection, clause, or phrase of this Subdivision Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any section of the City of Beatrice's Zoning Ordinance.