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CHAPTER 10 – MUNICIPAL PLANNING

Article 1 – Comprehensive Plan

SECTION 10-101: ADOPTED BY REFERENCE

In order to accommodate anticipated long-range future growth, the Comprehensive Development Plan and any amendments that may be made therein from time to time for the Village of Palmer was adopted by resolution of the County Board of Merrick County on August 31, 1971. One copy of the adopted plan shall be kept on file with the village clerk and available for inspection by any member of the public during of-
fice hours.

Article 2 – Zoning Regulations and Map

SECTION 10-201: ADOPTED BY REFERENCE

The Zoning Regulations and Zoning District Map for the Village of Palmer, Merrick County, Nebraska, were adopted on October 12, 1971 and are incorporated herein by reference as though printed in full. Said Zoning Regulations shall be controlling within the corporate limits of the Village and all areas within the planning jurisdiction as defined on the zoning map. The Zoning District Map and official copy of the Zoning Regulations shall be on file at the office of the village clerk for public inspection during office hours.

Article 3 – Subdivisions

(Adopted by Ord. No. 203, 02/02/05)

SECTION 10-301: PURPOSE

Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. The purpose of this document is to set forth rules and regulations for the division of real property so that each subdivision shall be properly coordinated with existing streets, utilities and public facilities and for the future development of these entities. These regulations will be helpful to governmental officials and private developers by clarifying various requirements and by assuring more uniform application of standards for new subdivisions.

SECTION 10-302: AUTHORITY

The requirements and recommendations set forth herein are designed to encourage orderly municipal growth for Merrick County through responsible land subdivision and are adopted under authority established by state law.

SECTION 10-303: JURISDICTION

These regulations shall apply to all subdivisions of land within the corporate limits of Chapman, Palmer, and Silver Creek, as presently existing or as hereafter established, and to all unincorporated land in Merrick County.

SECTION 10-304: APPLICABILITY

The regulations of this ordinance shall apply to any person desiring to (A) divide or further divide land, (B) otherwise alter the boundaries of lots or parcels of land, (C) vacate streets or alleys, or (D) dedicate land for use as streets, alleys or sidewalks or for other public or private purposes, except in compliance with the provisions of these regulations.

SECTION 10-305: EXEMPTIONS

Notwithstanding the requirements of Sections 10-302 through 10-304, these regulations shall not apply in the following instances or transactions:

A. The division or further division of land into lots or parcels, each of which contains more than 20 acres, where such subdivision does not involve the creation of any new streets or easements of access as may be determined by the Planning Commission.

B. A transaction between owners or adjoining land which involves only a

change in the boundary between the land owned by such persons and does not create an additional lot.

C. A conveyance of land or interest therein for use as right-of-way by railroad or other public utilities subject to state or federal regulations, where no new streets or easements of access are created.

D. A conveyance made to correct a description in a prior conveyance.

E. Any transfer by operation of law.

F. The division of land in the unincorporated area into no more than two parcels of tracts (one of which is the original tract) not covered by any other exemption clause of this section and which does not involve any new streets or easements of access, provided the tract to be divided is an original tract of 20 acres or more at the time of adoption of this ordinance.

G. The division or further division of land into lots or parcels where such subdivision does not involve the creation of any new streets or easements of access, provided that the new tract is 3 acres or more and the division results in no more than two tracts of less than 20 acres in the quarter section.

H. A conveyance of land to any governing body for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

Article 4 – Agricultural Districts

(Adopted by Ord. No. 203, 02/02/05)

SECTION 10-401: PURPOSE

This district is designed to provide for a broad range of agricultural activities and to permit certain limited non-agricultural activities. All property splits of less than 20 acres must be approved by the Merrick County Planning Commission and referred to the Village Board per Neb. Rev. Stat. §23-372 thru 23-377, 23-1909 and 76-2,110.

SECTION 10-402: PERMITTED USES

A. Farming activities including the raising of crops and animals. Any form of agriculture including the raising of crops, horticulture, animal husbandry, poultry husbandry and kennels, but excluding commercial auction yards and barns.

B. Agricultural (farm & ranch) dwellings.

C. Recreational activities.

D. Home occupations.

E. Alcohol distillation and alcohol blending plants up to and including 10,000 gallons yearly capacity with zoning permits.

SECTION 10-403: CONDITIONAL USES BY PERMIT

A. Cemeteries.

B. Educational services.

C. Utility substations.

D. Extraction of natural resources.

E. Storage of trucks and implements.

F. Alcohol distillation plants over 10,000 gallons yearly capacity.

G. Commercial recreational activities.

H. Feedlots, subject to Section 10-402.

I. New dwellings in the setback area of feedlots.

J. New non-agricultural dwellings, subject to setback requirements under In-

tensity of Use Regulations, Section 10-405.

SECTION: 10-404: NON-PERMITTED USES

Packing plants and rendering plants.

SECTION 10-405: INTENSITY OF USE REGULATIONS

A. *Signs.* Signs permitted in the AG-1 District shall be erected and maintained at least 15 feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In the event of a complaint on the character or kind of sign being maintained, the decision of the Board of Adjustment shall be final as to compliance of the sign with this provision, which decision shall be made after an investigation and report by the Planning Commission, if deemed desirable by the Board. The following signs are permitted in the AG-1 District:

1. One name plate or sign indirectly illuminated or non-illuminated less than 3 square feet in area for each dwelling.
2. One temporary sign, not illuminated, less than 6 square feet in area advertising the sale, lease or rental of the property.
3. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract and not exceeding 49 square feet in area. The sign shall be reduced by size by 6 square feet for each lot less than eight in the subdivision.
4. Signs identifying a business establishment or business use provided that not more than 400 square feet of sign area shall be permitted for each 400 square feet of street or highway frontage. In no case shall business signs be permitted within 50 feet of a residential district, a public park or a school.

B. Lot Size.

1. Lots used for residential purposes: 20,000 square feet; 3 acre minimum.
2. Lots used for non-residential purposes: 20 acres.
3. Minimum lot width: 100 feet.
4. Minimum lot depth: 100 feet.
5. The lot or tract of the single-family dwelling shall have frontage on, or direct access to, an improved street or an improved county road (county road classifications which are above a minimum maintenance road standard).

C. *Setback Requirements.*

1. Minimum front yard: 35 feet or 75 feet from the centerline of the street, whichever is greater.
2. Minimum side yard: 20 feet.
3. Minimum rear yard: 35 feet.
4. Minimum sight distance at an intersection: There shall be a setback of 150 feet from the intersection each way sighted across, forming a triangle. No structures and trees and/or shrubs will be allowed in this area.

D. *Height of Buildings.* 35 feet or 2½ stories.

E. *Lot Coverage.* The total coverage of all buildings shall not occupy more than 10% of the total lot area.

F. *Special Rules for Feedlots.*

1. No feedlot shall be located closer than one-fourth mile from an existing residential dwelling other than those of the feedlot owner or operator without written consent of the owner or owners of the existing dwelling(s) in the area.
2. No feedlot shall be located closer than one-half mile from any church, school, recreational camp, golf course or public park.

Article 4 – Penal Provisions

SECTION 10-401: VIOLATION; PENALTY

A. Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.

B. 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 Village or adjoining and 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 and contiguous thereto without having first obtained the acceptance and approval of the plat or map thereof by the Village Board, and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore as now existing or as hereafter amended shall upon conviction be fined in any sum not exceeding \$500.00.