

LAND USE CONTROL REGULATIONS

PREFACE

The proposed Land Use Control Regulations consist of two parts – Zoning and Subdivision Regulations – which should be adopted according to the enabling legislation as outlined below under each category.

ZONING REGULATIONS

This the recommended Zoning Regulations Resolution for Hamilton County, Nebraska, and recommended Zoning Regulations Ordinance for the municipalities therein, excluding the City of Aurora and its one mile area of planning jurisdiction, adopted pursuant to their joint planning powers. As an official land use control, it is one of several devices for implementing the Hamilton County Comprehensive Plan, which includes municipal corporations, excluding Aurora, and unincorporated area of the County.

This publication is the recommended Zoning Regulations Resolution which may be adopted pursuant to Sections 23-114 to 23-114.05, Reissue Revised Statutes of 1943 (in full). Titles, headings, governing body references, land use control districts and regulations, and administrative provisions are appropriate for implementation by the County government.

The text contained in this publication may also serve as the basis for municipal zoning regulations /ordinances/ for the incorporated municipalities of Giltner, Hampton, Hordville, Marquette, Phillips, and Stockham, Nebraska. The Ordinance has been written for the County and the municipalities; *the portions of paragraphs or entire paragraphs which refer to municipalities are typed in italics.*

This Ordinance may be adopted by the municipalities pursuant to Section 19-901 Reissue Revised Statutes of 1943 (in full). The paragraphs and phrases in italics should be substituted for those in regular type, as appropriate, for publication by each municipality adopting this Ordinance.

SUBDIVISION REGULATIONS

This the recommended Subdivision Regulations Resolution for Hamilton County and recommended Subdivision Regulations Resolution for the municipalities therein, excluding the City of Aurora and its one mile area of planning jurisdiction, adopted pursuant to their joint planning powers. As an official land use control, it is one of several devices for implementing the Hamilton County Major Thoroughfare Plan, which includes municipal corporations and unincorporated areas of the County, excluding Aurora.

This publication is the text of the recommended Hamilton County Subdivision Regulations Resolution which may be provided pursuant to Sections 23-377, Reissue Revised Statutes of 1943 (in full). Titles, headings, governing body references, substantive regulations and administrative provisions are appropriate for implementation by the County government.

The text contained in this publication may also serve as the basis for municipal subdivision regulation ordinances for the incorporated municipalities of Giltner, Hampton, Hordville, Marquette, Phillips, and Stockham. The Ordinance has been written for the County and the municipalities; *the portions of paragraphs or entire paragraphs which refer to municipalities are typed in italics.*

This Ordinance may be adopted by the municipalities pursuant to Section 17-1003, Reissue Revised Statutes of 1943 (in full). The paragraphs and phrases in italics should be substituted for those in regular type, as appropriate, for publication by each municipality adopting this Ordinance.

A RESOLUTION */ORDINANCE/* ESTABLISHING COMPREHENSIVE ZONING REGULATIONS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, FOR THE REPEAL OF ALL RESOLUTIONS */ORDINANCES/* IN CONFLICT HEREWITH; AND REGULATING THE SUBDIVISION OF LAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE COUNTY BOARD OF COMMISSIONERS */VILLAGE BOARD/* IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS, AND FOR THE REPEAL OF ALL SUBDIVISION DEVELOPMENT RESOLUTIONS */ORDINANCES/* IN CONFLICT HEREWITH; FOR HAMILTON COUNTY */THE VILLAGE OF GILTNER, HAMPTON, HORDVILLE, MARQUETTE, PHILLIPS, AND STOCKHAM/*, NEBRASKA.

WHEREAS, Sections 23-114 to 23-114.05 */19-901 through 19-914/*, Reissue Revised Statutes of 1943 (in full) empowers the County */Village/* to enact a zoning resolution */ordinance/* and to provide for its administration, enforcement and amendment, and

WHEREAS, Sections 23-373 to 23-377 */18-1301 through 18-1307 and 19-901 through 19-914/*, Reissue Revised Statutes of 1943 (in full) empowers the County */Village/* to enact a subdivision resolution */ordinance/* and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of County Commissioners */Village Board/* deems it necessary for the purpose of promoting the health, safety, morals, and the general welfare of the County */Village/* to enact such a resolution */ordinance/*, and

WHEREAS, land subdivision is the first step in the process of community expansion, and

WHEREAS, once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well community needs for residence, business, and industry will be met, and

WHEREAS, land subdivision determines to a great extent how well the community will be able to deal with traffic circulation problems and the demand for homesites, and how efficiently it will be able to provide the many services demanded for it, and

WHEREAS, once land has been subdivided and publicly recorded, it is extremely difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided, and

WHEREAS, the guidance of land development in harmony with community objectives is a matter of serious public concern and community welfare, and

WHEREAS, it is in the interest of the public, the developer, and future land owners that subdivisions be conceived, designed, and developed in accordance with sound minimum standards, and

WHEREAS, the Board of County Commissioners */Village Board of Giltner/ Hampton, Hordville, Marquette, Phillips, Stockham/* have established a Joint Planning Commission, under an agreement by the said municipalities with the Board of County Commissioners, pursuant to Section 23-114 */18-1301 through 18-1307 and 19-901 through 19-914/*, Reissue Revised Statutes of 1943 (in full), and

WHEREAS, the Joint Planning Commission has recommended the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Joint Planning Commission has divided the County */Village/* into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan, based on a Land Use Plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Joint Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County */Village/* and,

WHEREAS, the Joint Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the County Board of Commissioners */Village Board/*, and

WHEREAS, the Board of County Commissioners */Village Board/* has given due public notice of hearings relating to zoning districts, regulations and restrictions, and proposed subdivision plats, regulations and restrictions, and has held such public hearings, and

WHEREAS, the Board of County Commissioners */Village Board/* deem it necessary for the purpose of promoting the health, safety, morals or the general welfare of the County */Village/*; of providing for the harmonious development and coordinated layout for the subdivided area; for the proper arrangements of streets; for adequate and convenient open spaces for traffic utilities, recreation, light, air, and access of fire fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot area; for adequate sanitary facilities; and for reducing flood damage potentials to the greatest extent possible; and

WHEREAS, all requirements of Sections 23-114.01 to 23-114.02, 23-2204 */18-1306/*, Reissue Revised Statutes of 1943 (in full), with regard to the preparation of the report of the Joint Planning Commission and subsequent action of the Board of Commissioners */Village Board/* have been met:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY */VILLAGE BOARD OF GILTNER/ HAMPTON, HORDVILLE, MARQUETTE, PHILLIPS, STOCKHAM/*, NEBRASKA: