

MINUTES OF PLANNING & ZONING COMMISSION
JUNE 17, 2004
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:10 o'clock P.M. with a quorum present on June 17, 2004 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Karin Covalt, Marlin Heiden, Rick Pope and Leonard Skov. Absent: Gene Jameson, Paul Steinbrink, Sr. Craig Wietjes and Loye Wolfe. Also attending were Deputy Attorney Andrew Hoffmeister and Buffalo County Zoning Administrator LeAnn Klein.

The public forum was opened at 7:11 P.M. There was no one present to speak.

Old Business: Moved by Biehl, seconded by Covalt to accept the minutes of the May 20, 2004 meeting. Voting yes were Biehl, Covalt, Heiden, Pope and Skov. Voting no: none. Absent: Jameson, Steinbrink, Wietjes and Wolfe. Motion passed.

Discussion of residential setbacks in agricultural districts, livestock and livestock waste regulations were discussed. No decision was made at this time.

Also discussed were subdivision regulations, golf course and recreational reservation.

Hoffmeister presented the following amendments to the Commission for discussion and set a hearing date to amend the zoning regulations.

Moved by Skov, seconded by Biehl that 5.16, 5.32, 5.34, 5.36 and 11.3 be amended to read as follows and set a date of July 15, 2004 for a public hearing. Voting yes were Skov, Biehl, Covalt, Heiden and Pope. Voting no: none. Absent: Jameson, Steinbrink, Wietjes and Wolfe. Motion carried.

5.16 MINIMUM LOT REQUIREMENTS

1. The minimum lot area for AG uses shall be three (3) acres. By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. All improved uses, other than general farming, ranging, pasturing, etc, shall be adjacent to an improved county road (above minimum maintenance road).
2. Single Family Dwelling, Lot Size:
 - (A) 3 acres, with the placement of a maximum of four single family dwellings per U.S. Government surveyed quarter section, adjacent to an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling

requirement and four single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

B) Existing farmsteads of 3 acres or more not previously subdivided as of the date of adoption of the zoning ordinance as defined in the zoning regulations can be subdivided into two parcels, the minimum size of one of said parcels shall not be less than 3 acres. Legally existing parcels which are less than 3 acres, as of the effective date of the zoning regulations (January 1, 2003) without a residence may have a single family dwelling constructed, but must obtain a zoning permit.

5.32 PERMITTED PRINCIPLES USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or development of Class III or larger livestock confinement facilities/operations as defined in Section 3.46 and classified in Section 6.4.
2. Single family, ranch, and farm dwellings adjacent to improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; ~~and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers,~~ in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property;
3. Irrigation and flood control projects;
4. Child care homes;
5. Parks and recreational areas owned and/or occupied by public agencies; (Resolution 10-10-03)
6. Community buildings and/or facilities owned and/or occupied by public agencies;
7. Public and/or private schools;
8. Churches, places of worship, and cemeteries; and
9. Bed and Breakfast.

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Cemeteries, crematories, mausoleums and columbarium;
3. Child care center;
4. Radio and television towers and transmitters;
5. Camp grounds;

6. Wind generating systems;
7. Commercial kennels;
8. Public and private charitable institutions;
9. Greenhouses and nurseries;
10. Animal clinics, animal hospitals and veterinarian services; and
11. Mobile home parks.
12. Mini storage facilities (Resolution 5-27-03)
13. Parks and recreational areas owned and/or occupied by private agencies. (Resolution 10-10-03)
14. Airports (Resolution 10-10-03)
15. Public utilities and utility distribution systems

5.36 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR uses shall be 3 acres*. All improved uses, other than general farming, ranching, pasturing, etc, shall be adjacent to an improved county road (above minimum maintenance road).
2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of fifty (50) feet measured from the right-of-way line.

Rear Yard: There shall be a minimum rear yard of fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty (50) feet.

*When a proposed subdivision utilizes a shared or “community” drinking water and sewage system the minimum lot area may be reduced to one (1) acre subject to review and compliance by the Nebraska Department of Health.

3-acre minimum in a proposed and approved subdivision may be reduced to 70,000 square feet subject to review and compliance by Nebraska Department of Health and approval of County Board.

By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems.

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission

members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

The next meeting of the Planning & Zoning Commission will be July 15, 2004, 7:00 P.M. at the Buffalo County Highway Department.

Motion by Skov, seconded by Covalt to adjourn at 9:30 P.M.