

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 4, 2016

STATE OF NEBRASKA)
)
 COUNTY OF BOX BUTTE) §
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 CITY OF ALLIANCE)

The Alliance City Council met in a Regular Meeting, October 4, 2016 at 7:02 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on September 26, 2016. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Yeager opened the October 4, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:02 p.m. Present were Mayor Yeager and Council Members Feldges, Korber-Gonzalez, Seiler and Jones. Also present were Interim City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first agenda item was a motion by Councilman Jones, which was seconded by Councilman Korber-Gonzalez to add an emergency item on the agenda for a change order to the Laing Lake Rehabilitation Project between Item F and Item G.

Cultural and Leisure Services Director Shana Brown addressed Council regarding the need for an emergency placement on the agenda. A change order to the Laing Lake Rehabilitation Project is being requested as the break water construction was accidentally omitted from the bid specifications. Without the approval of the change order at this time, the project could be delayed a full year due to weather conditions. The work needs to be completed for a Fall planting of the grasses to allow for proper germination.

Roll call vote on the emergency addition of an item to address a change order to the Laing Lake Rehabilitation Project.

Voting Aye: Jones, Korber-Gonzalez, Yeager, Seiler, Feldges.

Voting Nay: None.

Motion carried.

- Four proclamations were the next items before Council.

The following proclamation was presented to the Knights of Columbus by Councilman Feldges:

PROCLAMATION

WHEREAS, the quality of life is important to all members of our community, including children and adults with intellectual disabilities; and

WHEREAS, the Knights of Columbus is a Charitable and Fraternal Organization that promotes the dignity and welfare of citizens with intellectual disabilities,

NOW, THEREFORE, I, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim the week of October 3-9, 2016 as:

Support Citizens with Intellectual Disabilities Week

In our fair city, and call upon all of our citizens to support the Knights of Columbus in this most worthwhile and humanitarian effort for children and adults with intellectual disabilities along with their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4th day of October in the year of the Lord Two Thousand Sixteen.

Council proclaimed the week of October 6-12, 2016 as Public Power Week and Councilman Korber-Gonzalez read the following proclamation:

WHEREAS, We, the citizens of Alliance, Nebraska place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, The *Alliance Electric Department* provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, The *Alliance Electric Department* is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, The *Alliance Electric Department* is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work, as well as protecting the global environment;

NOW, THEREFORE BE IT RESOLVED, That the *Alliance Electric Department* will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1911, the year when the utility was created to serve all the citizens of Alliance; and

BE IT FURTHER RESOLVED, That the week of October 6 – 12, 2016, be designated the 28th Annual Public Power Week in order to honor the *Alliance Electric Department* for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

BE IT FURTHER RESOLVED, That our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the *Alliance Electric Department* is good for customers, business, the community and the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4th day of October, 2016.

Councilman Jones presented the Fire Prevention Week Proclamation to Assistant Fire Chief Brad Schrum.

PROCLAMATION

WHEREAS, the City of Alliance is committed to ensuring the safety and security of all those living in and visiting our City; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

WHEREAS, home fires killed more than 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 369,500 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, half of home fire deaths result from fires reported at night, during the house of 11:00 p.m. and 7:00 a.m. when most people are asleep; and

WHEREAS, Alliance residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Alliance residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, Alliance residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Alliance first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, THE 2016 Fire Prevention Week theme, “Hear the Beep Where You Sleep. Every Bedroom Needs a Working Fire Alarm!” effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

THEREFORE, I Ralph Yeager, Mayor of Alliance do hereby proclaim October 9-15, 2016 as:

FIRE PREVENTION WEEK

throughout this city, and I urge all the people of Alliance to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement; and to also support the many public safety activities and efforts of Alliance fire and emergency services during Fire Prevention Week 2016.

Councilman Seiler presented the following Solar Eclipse Proclamation to Tourism Director Kevin Howard and Friends of Carhenge Members Holly Health, Kalin Krohe, and Kendra Schott:

PROCLAMATION 21 August, 2017 Total Solar Eclipse

WHEREAS: the central line of the path of totality of the 21 August, 2017 Total Solar Eclipse will cross Alliance, Nebraska on August 21, 2017; and

WHEREAS: the duration of the 2017 Total Solar Eclipse being 2 minutes, 30 seconds in Alliance commencing with the start of partial eclipse at 10:27 am and commencing with the start of total eclipse at 11:49 a.m.; and

WHEREAS: Alliance's wide horizons, probability of great viewing conditions, and ease of mobility will entice many visitors to experience the 21 August, 2017 Total Solar Eclipse; and

WHEREAS: Alliance is planning events to celebrate the August 21, 2017 Total Solar Eclipse with a four day celebration commencing on Friday, August 18th and cumulating with the Eclipse itself on Monday, August 21; and

WHEREAS: Alliance offers a wealth of diverse and exciting adventures and experiences for visitors to enjoy when choosing their destination for observing the 2017 Total Solar Eclipse; and

WHEREAS: only being in the path of totality reveals the true celestial spectacle: the diamond ring, the Sun's glorious corona, strange colors in our sky, and seeing stars in the daytime; and

WHEREAS: the 21 August, 2017 Total Solar Eclipse can be experienced safely throughout the partial phases with the use of specially designed solar filters and glasses; the total phase of an eclipse can and should be viewed without any filters whatsoever. The naked eye view of totality is completely safe and is overwhelmingly awe-inspiring; and

NOW, THEREFORE BE IT RESOLVED recognizing that the 2017 Total Solar Eclipse is a once in lifetime experience, all businesses, individuals, organizations, and schools should accommodate solutions to afford as many citizens as possible the opportunity to experience the event within the path of totality; and

BE IT FURTHER RESOLVED, as 2017 Total Solar Eclipse will attract national and international visitors, we encourage our local businesses and organizations to prepare to show gracious Nebraska hospitality to these guests; and

THEREFORE, I Ralph Yeager, Mayor of Alliance, do hereby proclaim August 21, 2017 as

TOTAL SOLAR ECLIPSE DAY

in Alliance, Nebraska and urge the citizens of Alliance to join me in this special observance with appropriate events and commemoration.

- The Consent Calendar was the next matter for Council's consideration.

Councilman Korber-Gonzalez made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 4, 2016

1. Approval: Minutes of the Special Meeting, September 29, 2016.
2. Approval: Payroll and Employer Taxes for the period September 10, 2016 through September 23, 2016 inclusive: \$178,512.13 and \$13,064.88 respectively.
3. Approval: Claims against the following funds starting October 1, 2016: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$32,658.51.
4. Approval: The issuance of a Cemetery Certificate to Bates-Gould Funeral Home for Lot Eleven (11), Section Three (3), Block Twenty-eight (28) Alliance Cemetery Fourth Addition.

The acceptance of a Quitclaim Deed from Linda Graham and Richard Graham for the North One-Half (N½) Lot Seven (7), Section Seven (7), Block Eighteen (18), Third Addition to the Alliance Cemetery and re-convey same to Dixie Nelson.
5. Approval: The issuance of Master Plumber, Master HVAC and Gas Fitter Licenses to Roger Rojas Sr. dba Oregon Trail Plumbing, Heating & Cooling, Inc.
6. Approval: Entering into a Sign Lease with Craig L. and Mary A. Barthel for the placement of a Carhenge billboard on their property adjacent to Highway 385 near Angora.
7. Approval: The Immanuel Evangelical Lutheran Church *Request for Reserved or Exclusive Use of City Streets* for their annual Trunk or Treat event. They are requesting the closure of 11th Street between Laramie and Box Butte Avenues on Sunday, October 30th between the hours of 1:30 p.m. to 4:30 p.m. The required Certificate of Insurance has been provided.
8. Approval: Resolution No. 16-118 will authorize the application submittal to the Nebraska Department of Roads for the construction of a new bus barn. Council has previously approved the application with Resolution No. 16-98; however the funding sources were misidentified.
9. Approval: Resolution No. 16-121 authorizing the annual Contribution Agreement for Box Butte Development Corporation in the amount of \$80,000.
10. Approval: Resolution No. 16-122 authorizing the annual Contribution Agreement for the Alliance Chamber of Commerce in the amount of \$10,000.
11. Approval: Resolution No. 16-123 authorizing the annual Contribution Agreement for Keep Alliance Beautiful in the amount of \$30,000.

12. Approval: Resolution No. 16-124 authorizing the annual Contribution Agreement for Heartland Expressway in the amount \$3,059.
13. Approval: Resolution No. 16-125 authorizing the annual Contribution Agreement for Historic Main Street in the amount of \$3,000.

NOTE: Interim City Manager Kuckkahn has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Seiler, Yeager, Jones, Feldges.

Voting Nay: None.

Motion carried.

- A Conflict Claim reimbursing Councilman Korber-Gonzalez for meal expenses while attending the Nebraska Municipal League Conference in Kearney, NE, with the total amount of reimbursement being \$59.10 was the next matter before Council.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the conflict claim in the amount of \$59.10 reimbursing Councilman Korber-Gonzalez.

Roll call vote with the following results:

Voting Aye: Jones, Seiler, Yeager, Feldges.

Voting Nay: None.

Abstaining: Korber-Gonzalez.

Motion carried.

- Council next conducted a Public Hearing on the Rezoning Request of Terry and Yvette Peltz and Chris and Janet Toedtli. Following the Public Hearing, the first reading of Ordinance No. 2824 was introduced which will approve the rezone request. Council was provided with the following background information:

[Terry and Yvette Peltz as well as Chris and Janet Toedtli have requested to rezone three ten-acre tracts of land from R-1a, Single Family Residential to R-R, Rural Residential with the parties owning, two tracts and one tract, respectively.

The land is located north of 25th Street at and east of Lakefield Addition to the City of Alliance. The legal descriptions are Part of the Southwest 1/4 of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Tract 3, Lands in Corporate City Limits, parcel number 163, tax parcel number 070205779; Part of the Southwest 1/4 of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Tract 1, Lands in Corporate City Limits, parcel number 165, tax parcel number 070080585; and Part of the Southwest 1/4 of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Lands in Corporate City Limits, parcel number 169, tax parcel number 070177341, addressed 306 West 29th Street.

The proposed rezone will change the front setbacks for principal structures from 25 feet to 50 feet, side setbacks from 5 feet to 15 feet, and rear setbacks from 25 feet to 50 feet. The proposed rezone will change the front setbacks for accessory structures from 25 feet to 50 feet, side and rear setbacks will remain the same at 5 feet. The rezone would not create any nonconforming structures.

The rezone is requested as staff and the owners believe that these three, ten-acre tracts of land which are located between farmland to east and the single family residences to the west, would be better suited for Rural Residential zoning and that Single Family Residential is too restrictive for such large parcels.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 34 petitions and as of September 8, the City had received eight of them back, all in favor of the rezone.

At the September 13, 2016 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of a portion of land as described above from R-1a, Single Family Residential to RR, Rural Residential.]

Mayor Yeager stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Rezoning Request of Terry and Yvette Peltz and Chris and Janet Toedtli and opened the public hearing at 7:23 p.m.

Terry and Yvette Peltz, 306 West 29th Street, addressed Council explaining their desire to rezone their property at 306 W. 28th Street which they believe better suits the property and its current use.

Janet Toedtli was in attendance and stated she and her husband concur with the Peltz family and desire the rezoning designation.

Hearing no further testimony, the Public Hearing closed at 7:28 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2824 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2824

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A PART OF THE SOUTHWEST QUARTER, SECTION 24, TOWNSHIP 25 NORTH, RANGE 48, WEST OF THE 6TH P.M., TRACT 3, LANDS IN CORPORATE CITY LIMITS, PARCEL NUMBER 163; PART OF THE SOUTHWEST QUARTER, SECTION 24, TOWNSHIP 25 NORTH, RANGE 48, WEST OF THE 6TH P.M., TRACT 1, LANDS IN CORPORATE CITY LIMITS, PARCEL NUMBER 165; PART OF THE SOUTHWEST QUARTER, SECTION 24, TOWNSHIP 25 NORTH, RANGE 48, WEST OF THE 6TH P.M., LANDS IN CORPORATE CITY LIMITS, PARCEL NUMBER 169; BOX BUTTE COUNTY, NEBRASKA, ARE NOW INCLUDED AS A RR (RURAL RESIDENTIAL) DISTRICT FROM R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

- (a) Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.
- (b) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this ____ day of _____, 2016, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2824 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- A Public Hearing on a Municipal Code Amendment to allow Beauty Salons within Residential Zoning Districts with a Conditional Use Permit was the next item before Council. Following the Public Hearing, Council introduced Ordinance No. 2825 which will authorize the amendment, on first reading. Council was provided with the following background information:

[Staff received a letter from Alexia Noel requesting that hair salons be added as a Conditional Use in residential zoning districts.

The Planning Commission was presented with the request and discussed the recommendations made by staff and made many of their own. They came to the conclusion that this could be added but with very specific restrictions on the issuance of the CUP.

They recommended that the Code allow hair salons and barber shops as a CUP in residential zoning districts with the following conditions:

- only allow one operator,
- patronage would be by appointment only,
- parking must be paved and located in the rear or side yard except in the side yard adjacent to a side street,
- the structure containing the business must be designed or maintained to look similar in appearance to a single or two family dwelling, and
- the definition section of the Code be updated defining hair salons and barber shops.

The City of Alliance Planning Commission met at their regular meeting on September 13, 2016 and held a public hearing for the amendment of Chapter 115 of the Alliance Municipal Code. They voted to recommend that the Alliance City Council amend Chapter 115, titled *Zoning*, adding language that would allow hair salons and barber shops as a Conditional Use in residential districts and adding the definition of hair salons and barber shops.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the request of Alexia Noel to allow Beauty Salons within Residential Districts as a Conditional Use and opened the public hearing at 7:30 p.m.

Community Development Director Brent Kusek addressed Council and discussed the requirement for two off street parking spaces for said use.

Alexia Noel, 1203 Cheyenne Avenue, discussed with Council her goal regarding her request and answered questions of Council. Ms. Noel stated she would be able to meet the parking requirements, but would prefer that they could be aligned in a single driveway.

No additional testimony was offered, the Public Hearing closed at 7:47 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2825 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2825

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 115-97 THROUGH 115-103 OF THE ZONING REGULATIONS, RELATING TO BEAUTY SALONS AND BARBER SHOPS IN RESIDENTIAL DISTRICTS AS A CONDITIONAL USE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The Alliance Municipal Code at Sections 115-97 through 115-103 shall be amended as follows:

Sec. 115-97. - RR, Rural Residential District.

- (a) Scope and intent. This section applies to district RR. The RR, Rural Residential District is intended to provide a transition from agriculture and ranching to low density residential development. This district is intended to accommodate larger residential estates with accompanying agricultural uses that do not conflict with residential uses.
- (b) Permitted uses.
 - (1) Animals, except the number of animals shall not exceed a density of more than 1.0 animal units per acre.
 - (2) Dwellings, one-family.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks.
 - (4) Railroad rights-of-way not including railroad yards.
 - (5) Stable, private.
 - (6) Publicly owned and operated community buildings, public museums, public libraries and churches.
- (c) Conditional uses.

- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (3) Reservoirs, wells, towers, filter beds, or water supply plants.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Confinement of animal units where the density of units exceeds the allowable standard described in this section or where any other animal unit condition not described in section 115-96 is proposed.
- (6) Wind-driven electric generators with prior approval of the city electrical engineer.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Parking which requires the removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.
 - iii. Patronage must be by appointment only.
 - iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size	Minimum Lot Width	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	2½ acres	150 feet	1	50	50	15	50	30	6
Accessory building	—	—	—	50	5	5	5	30	—

Minimum dwelling size: 800 square feet.

- (2) Permitted accessory uses.
- a. Sheds.
 - b. Garages.
 - c. Barns.
 - d. Silos.
 - e. Home occupations in conformance with section 115-171.
 - f. Signs as permitted in chapter 111.
 - g. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - h. Fences as permitted in section 115-172.
 - i. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - k. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - l. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - m. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-98. - R-1, Single-Family Residential District.

- (a) Scope and intent. This section applies to district R-1. The R-1, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes.
- (b) Permitted uses.
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.

- (4) Public schools, elementary and high schools, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
- (c) Conditional uses.
- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
 - (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
 - (3) Preschool nurseries and day care centers.
 - (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (5) Funeral homes.
 - (6) Bed and breakfasts.
 - (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (8) Two-family dwelling.
 - (9) Abandoned church or school property as permitted in section 115-174.
 - (10) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.

- iii. Patronage must be by appointment only.
- iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	25	25	5	15	30*	6
Accessory building	—	—	—	25	5	5	20		6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet.

- a. Minimum dwelling size: 800 square feet on the ground floor.
- b. Lot coverage: 40 percent of total lot area.

(2) Permitted accessory uses.

- a. Home occupations as defined in section 115-2 and provided in section 115-171.
- b. Detached Accessory Structures:
 - 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.

- v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
- i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.
 - d. Fences as permitted in section 115-172.
 - e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-99. - R-1A, Single-Family Residential District.

- (a) Scope and intent. This section applies to district R-1A. The R-1A, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zoning district is intended to accommodate new and more recent subdivisions of the community that were created with larger lot sizes.
- (b) Permitted uses.
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - e. The home shall have wheels, axles, transport lights, and towing apparatus removed.

(c) Conditional uses.

- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (3) Preschool nurseries and day care centers.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Bed and breakfasts.
- (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (7) Two-family dwelling.
- (8) Abandoned church or school property as permitted in section 115-174.
- (9) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.
 - iii. Patronage must be by appointment only.
 - iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	7,000	70	1	25	25	5	15	30	6

Accessory building	—	—	—	25	5	5	20	30	6
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- a. Lot coverage: 40 percent of total lot area.
 - b. Minimum dwelling size: 1,000 square feet.
- (2) Permitted accessory uses.
- a. Some occupations as defined in section 115-2 and provided in section 115-171.
 - b. Detached accessory structures:
 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
 2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
 - i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.

- iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.
 - d. Fences as permitted in section 115-172.
 - e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-100. - District R-2, two-family residential.

- (a) Scope and intent. This section applies to district R-2s. The R-2, Two-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings, single-family attached dwellings (duplexes) and two family homes, but which may have recreational, religious, and educational facilities to create a balanced neighborhood.
- (b) Permitted uses.

- (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Dwellings, two-family.
 - (7) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
- (c) Conditional uses.
- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
 - (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
 - (3) Preschool nurseries and day care centers.
 - (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (5) Funeral homes.
 - (6) Bed and breakfasts.
 - (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (8) Abandoned church or school property as permitted in section 115-174.

(9) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:

- i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
- ii. Limited to one operator.
- iii. Patronage must be by appointment only.
- iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	25	25	5	15	30*	6
Duplex	3,500	60	2	25	25	5	15	30*	6
Accessory building	—	—	—	25	5	5	20	30*	6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet, but in no case higher than three stories.

- a. Minimum dwelling size: 750 square feet per unit if a two-family unit is constructed or 800 square feet if only a single-family unit is constructed.
- b. Lot coverage: 40 percent of total lot area.

(2) Permitted accessory uses.

- a. Home occupations as defined in section 115-2 and provided in section 115-171.
- b. Detached accessory structures:
 - 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:

- i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
- i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.

- d. Fences as permitted in section 115-172.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-101. - R-3, Multifamily Residential District.

- (a) Scope and intent. This section applies to district R-3. The R-3, Multifamily Residential District is intended to provide a zone consisting primarily of carefully designed medium and/or high density housing types, but which may have recreational, religious, and educational facilities to create a balanced neighborhood. Housing complexes constructed in the zone should create a transition from low density to higher intensity land uses and should encourage affordable housing, especially for young families, moderate to low income families and the elderly.
- (b) Permitted uses.
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Dwellings, two-family.

- (7) Apartment houses, or other multiple dwellings.
 - (8) Fraternity or sorority houses and dormitories.
 - (9) Nursing, convalescent or senior citizens homes.
 - (10) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
- (c) Conditional uses.
- (1) Preschool nursery and day care centers.
 - (2) Boardinghouses and lodginghouses.
 - (3) Group home.
 - (4) Hospitals and sanitariums.
 - (5) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
 - (6) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
 - (7) Preschool nurseries and day care centers.
 - (8) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (9) Funeral homes.
 - (10) Bed and breakfasts.
 - (11) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (12) Abandoned church or school property as permitted in section 115-174.
 - (13) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:

- i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
- ii. Limited to one operator.
- iii. Patronage must be by appointment only.
- iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	25	25	5	15	30*	6
Duplex	3,500	60	2	25	25	5	15	30*	6
Dwelling (multi-family)	2,000	60	n/a	25	25	5	15	35*	6
Accessory building	—	—	—	25	5	5	20	—	6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 35 feet.

- a. Minimum dwelling size: 570 square feet per unit if the unit is larger than a two-family dwelling; 750 square feet per unit if a two-family unit is constructed, and 800 square feet for each single-family unit is constructed.
 - b. Lot coverage: 40 percent of total lot area.
- (2) Permitted accessory uses.
- a. Home occupations as defined in section 115-2 and provided in section 115-171.

- b. Recreation areas including tenant use swimming pool, and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.
- c. Signs as permitted in chapter 111.
- d. Fences as permitted in section 115-172.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- f. Detached accessory structures:
 - 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
 - 2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
 - i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available,

the structure may be built using a similar brick, stone, or veneer as approved by the building official.

- v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - l. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-102. - R-4, Residential Mobile Home Park District.

- (a) Scope and intent. This section applies to district R-4. The R-4, Residential Mobile Home Park District is intended to provide for the location of mobile homes on rented lots that may, or may not, conform to lot size requirements of more traditional single-family residential subdivisions and which may accommodate mobile, or modular, homes in a less restrictive manner than the traditional single-family residential subdivision.
- (b) Permitted uses.
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.

- (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
- (5) Railroad rights-of-way, not including railroad yards.
- (6) Mobile homes on rented lots.
- (7) Other permanent facilities in conjunction with owning and operating a park.
- (8) Mobile homes located on individually owned lots shall be permitted within residential mobile home parks subject to the following provisions:
 - a. Mobile homes so located after October 8, 1987, shall comply with all regulations set forth in section 115-103, and, any addition or enlargement of an existing residential mobile home park after the effective date of the ordinance from which this section is derived shall comply in total with the regulations governing district R-5, single-family residential mobile home.
 - b. Mobile homes located on individually owned lots shall be served by independent connection to municipal water and sanitary sewer lines.
 - c. The sale of an unplatted lot or space within a mobile home park shall be approved by the planning commission and city council in compliance with statutory requirements for the subdivision of land.
 - d. Mobile homes or modular homes placed on individually owned lots shall meet the following or basement requirements: Foundation or basement requirement. All modular homes, manufactured housing units, sectionalized unit homes, site constructed homes, mobile homes, and any other structure used as a residence located in this zone, shall be placed upon basements or permanent perimeter foundations complying with the city's building code. The city building inspector may grant a delay of foundation construction due to adverse winter weather conditions, in such case the foundation shall be completed within 30 days of resumption of permissible construction weather.
 - e. The minimum area of an existing tract in a mobile home park as of October 8, 1987, shall be 4,000 square feet in order to transfer ownership.

(c) Conditional uses.

- (1) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (3) Abandoned church or school property as permitted in section 115-174.
- (4) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:

- i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
- ii. Limited to one operator.
- iii. Patronage must be by appointment only.
- iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft./DU)		Maximum Number of Dwelling Units	Front Setbacks* (feet)	Maximum Mobile Home Separation**	Height (stories)
Dwelling (single-family)						
Rented lot	—		1/lot	25		1
Owned lot	4,000		1/lot	25		1
Use	Minimum Lot Size (sq. ft./DU)	Minimum Number of Dwelling Units	Front Setbacks* (feet)	Maximum Height (feet)	Maximum Mobile Home Separation**	Height (stories)
Dwelling (single family)						
Rented lot	—	1/lot	25	30*		1
Owned lot	4,000	1/lot	25	30*		1

*The following exceptions regarding setbacks apply to the R-4 zone: The set back on lots along the north side of 8th Street between Flack and Pine Avenues, and the south side of 9th Street between Flack and Pine Avenues, and the east side of Flack Avenue between 2nd and 3rd Streets and the north side of 2nd Street between Flack Avenue and Avenue A, and lots abutting a dedicated public street of 60 feet or more, may be measured from the curblines, or curblines extended, of such street or avenue instead of from the property line to effect setback compliance, but in no event shall any mobile home be located so as to encroach on a platted city street. Although a number of mobile homes in the areas aforementioned will not now, as of this date have the prescribed 25 feet front set back even after counting the width of the parking established between curblines, curblines extended, and the property line, as those lots are sold, the full 25 feet setback from the street or avenue curblines shall be required between the curblines or curblines extended and the mobile home.

**Mobile home separations:

End to end: six feet

End to side: eight feet

Side to side: ten feet

- a. Minimum dwelling size.
 1. One bedroom: 570 square feet.
 2. Two bedroom: 700 square feet.
 3. Three bedroom: 850 square feet.
 4. Four bedroom: 1,020 square feet.
 - b. Lot coverage: 30 percent of total lot area.
 - c. Skirting: The entire undercarriage and wheel assembly shall be screened from the view by means of a nonflammable skirting material of metal or concrete construction that shall extend from the mobile home pad to the floor level.
 - d. Single-wide and double-wide mobile homes, located in district R-4, on rented lots, may be placed upon basements or permanent foundations or, as a minimum, shall meet tie-downs, anchorage, pier and footing requirements of the Department of Defense Publication TR-75, which is hereby adopted by reference as if printed in the chapter.
- (2) Permitted accessory uses.
- a. Home occupations as defined in section 115-2 and provided in section 115-171.
 - b. Signs as permitted in chapter 111.
 - c. Fences as permitted in section 115-172.
 - d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - e. Detached accessory structures:

1. Carports: No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
 - i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
 - i. One storage building may be constructed or placed on a lot serving a principal use.

- ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- (e) Design criteria.
- (1) Height and area regulations. Mobile home parks may be developed only in the R-4 zone districts where this use is permitted in accordance with the following requirements:
 - a. Park area. The park has a minimum site area of 217,800 square feet or five acres with a minimum of ten developed mobile home lots.
 - b. Complies to state and municipal regulations. The park complies with all state and municipal licensing procedures, health, zoning, plumbing, electrical, building, fire prevention and all other applicable zoning ordinances and regulations of the city.
 - (2) Distance between structures. Any portion of a mobile, or manufactured home, excluding the tongue, shall not be located closer than ten feet side to side, eight feet end to side, or six feet end to end horizontally from any other mobile or manufactured home or community building. No mobile home shall be located closer than 25 feet to any exterior property line.
 - (3) Design requirements.
 - a. The request for this use shall specify the location and legal description of such proposed mobile home park and a plan of the park to include property dimensions, interior roads, proposed mobile home sites, sanitary utility lines and other improvements.
 - b. The park is properly landscaped, in the opinion of the planning commission, so as not to constitute a nuisance to other residence.

- c. Mobile homes in such parks shall be limited to use for residential purposes, except for the mobile home park office.
- d. Entrances to a mobile home park shall have direct connections to an improved public street and shall be designed to allow free movement of traffic on any adjacent public street.
- e. The design of private drives serving mobile home parks shall conform to all minimum street paving and width standards and shall have proper curb and gutter design.
- f. Utilities shall adhere to municipal utility spacing standards.

Sec. 115-103. - R-5, Single-Family Residential Mobile Home District.

- (a) Scope and intent. This section applies to district R-5. The R-5, Single-Family Residential Mobile Home District is intended to provide for the location of mobile homes on lots owned by the mobile home owner in a traditional single-family residential subdivision setting.
- (b) Permitted uses.
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Mobile home on individually owned lots.
- (c) Conditional uses.
 - (1) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (3) Abandoned church or school property as permitted in section 115-174.
 - (4) *Beauty salons* and *barber shops* with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.

- iii. Patronage must be by appointment only.
- iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	7,000	(a)	1	25	25	5	15	30	6
Accessory Building	—	—	—	25	5	5	20	—	6

a. Minimum lot dimensions and lot exceptions.

1. Minimum lot dimensions: Minimum lot dimensions in district R-5 shall be 60 feet wide by 130 feet deep curvilinear platted lots shall have the minimum lot width at the front building setback line and shall contain the minimum lot area.
2. The planning commission and city council may approve previously platted lots not meeting the minimum dimensions of this section if said lots meet the minimum setback requirements and the minimum lot area of 7,800 square feet. Such approval shall be on an individual lot basis.

b. Minimum dwelling size.

1. One bedroom: 570 square feet.
2. Two bedroom: 700 square feet.
3. Three bedroom: 850 square feet.
4. Four bedroom: 1,020 square feet.

c. The minimum mobile home width in this district shall be 14 feet.

d. No R-5 district shall be created which contains less than five acres of contiguous area.

(2) Permitted accessory uses.

- a. Home occupations as defined in section 115-2 and provided in section 115-171.
- b. Detached accessory structures:
 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:
 - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
 2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
 - i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
 3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:

- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
 - c. Signs as permitted in chapter 111.
 - d. Fences as permitted in section 115-172.
 - e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- (e) Development requirements.
- (1) Foundation or basement requirement. All modular homes, manufactured housing units, sectionalized unit homes, site constructed homes, mobile homes, and any other structure used as a residence located in this zone, shall be placed upon basements or permanent perimeter foundations complying with the city's building code. The city building inspector may grant a delay of foundation construction due to adverse winter weather conditions, in such case the foundation shall be completed within 30 days of resumption of permissible construction weather.
 - (2) Permit requirements. No mobile home or manufactured housing unit shall be located in this district without a building permit issued by the city building department.
 - (3) Permit fees shall be calculated using valuation data adopted by the city for conventional construction.
 - (4) Site improvements. All lots in this district shall be serviced by the municipal water supply and sanitary sewer systems and shall be otherwise improved to the requirements of chapter 113, subdivisions.

SECTION 2. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 3. This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the first reading of Ordinance No. 2825 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing on an amendment of the Airport Zoning Chapter to change the restrictions and requirements in regards to Airport Hazard Zoning within the Municipal Code. Following the Public Hearing, the first reading of Ordinance No. 2826 was introduced which will approve the amendment. Council was provided the following information:

[The State of Nebraska passed LB 140 requiring jurisdictions with an airport to adopt airport hazard zoning. The Airport Zoning Act previously applied only to structures and hazards within three miles of an airport's boundary; however, LB 140 significantly expanded structures and hazards subject to the Airport Zoning Act to include those within ten-mile zones (defined as "approach zones") that extend from both ends of a runway. The changes to zoning were required due to advances in technology such as instrument approach with GPS. City staff has created a topographical map to identify the approach zones for its airport and has determined those approach zones extend into Sheridan, Garden and Morrill counties in addition to Box Butte County.

The Airport Zoning Act applies to all political subdivisions that have an approach zone within its zoning jurisdiction. Thus, if they were not already, Sheridan, Garden, Morrill and Box Butte counties are all now subject to the Airport Zoning Act because of the Alliance Municipal Airport and the counties must adopt regulations. When multiple jurisdictions are involved, the Airport Zoning Act allows all jurisdictions to form a joint airport zoning board specifically for the purpose of adopting the required zoning regulations. Upon inquiring with the four counties involved, only one county was interested in the joint board. For this reason, staff recommends the City of Alliance work independently on airport zoning.

The City Council appointed the City's Planning Commission to recommend the boundaries of zones mandated by the Act. The City of Alliance Planning Commission met at their regular meeting on September 13, 2016 and held a public hearing for the amendment of Chapter 103 of the Alliance Municipal Code.

They voted to recommend to the Alliance City Council amending Chapter 103, titled *Airport Zoning*, bringing our Code into compliance with the airport zoning requirements as detailed by LB 140.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to Airport Hazard Zoning requirements and restrictions and opened the public hearing at 7:49 p.m.

Community Development Director Kusek provided a summary of the need for the amendment.

No additional testimony was offered, the Public Hearing closed at 7:53 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2826 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2826

AN ORDINANCE PERTAINING TO AIRPORT ZONING, REPEALING CHAPTER 103 OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE, NEBRASKA, ENACTING PROVISIONS FOR CHAPTER 103 OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE, REPEALING ANY AND ALL EXISTING PROVISIONS OF THE CODE OF ORDINANCES NOT CONSISTENT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA.

SECTION 1. The entirety of Chapter 103 of the Code of Ordinances of the City of Alliance, Nebraska amended to read as follows:

“Chapter 103 – Airport Zoning

Sec. 103-1. Intent and Purpose

The provisions of Chapter 103 are intended to provide a safe use of Airports and to prevent the creation or establishment of a hazard that is a public nuisance and obstructs the ground or airspace required for the safe flight, takeoff, and landing of aircraft at Airports. The provisions of Chapter 103 shall apply to all land within the Airport Hazard Area, whether or not within the municipal limits of the City of Alliance.

Sec. 103-2. Definitions

The following definitions shall apply to the provisions of Chapter 103 unless other definitions are provided within Chapter 103.