

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 18, 2016

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

The Alliance City Council met in a Regular Meeting, October 18, 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 October 11, 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 18, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:01 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 the announcement of new City employee hirings of Lari Herman, Museum Collection Clerk; Tammy Coward, Meter Reading and Stephanie Daniels, Meter Reader.
• The Consent Calendar was the next matter for Council's consideration.

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

CONSENT CALENDAR – OCTOBER 18, 2016

1. Approval: Minutes of the Regular Meeting, October 4, 2016.
2. Approval: Payroll costs for the period September 24, 2016 through October 7, 2016: \$339,686.27.

3. Approval: Claims against the following funds for the period October 1, 2016 through October 11, 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; \$1,067,985.95.
4. Approval: The *Special Events Request Use of Public Facilities* of the Alliance Chamber of Commerce for their annual Christmas Parade. The parade will line up in the 800 and 900 blocks of Box Butte Avenue beginning at 5:00 p.m. Starting at 5:30 p.m. the parade will begin heading south on Box Butte Avenue to 4th Street and turn east ending at the 4th and Niobrara City owned parking lot. Santa will continue south on Box Butte Avenue to the Santa House located at the 3rd Street and Box Butte Avenue Mini Park. The event will take place on Tuesday, November 29, 2016. A Certificate of Liability Insurance Coverage will be required.

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.

- Conflict Claims reimbursing Councilman Seiler and Councilman Feldges for expenses while attending the Nebraska Municipal League Conference in Kearney, NE, was the next matter before Council.

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve the conflict claim in the amount of \$44.10 reimbursing Councilman Seiler.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Seiler.

Motion carried.

A motion was made by Mayor Yeager, seconded by Councilman Seiler to approve the conflict claim in the amount of \$24.21 reimbursing Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2827 which will adopt the proposed City Council 2017 Meeting Schedule. The following background information was provided:

[Council has previously established its meeting calendar as 7:00 p.m. at the Board of Education Meeting Room on the first and third Tuesdays of each month. At first sight, staff only sees one apparent conflict to our normal scheduling, which is the first meeting in July. Independence Day is Tuesday, July 4th, staff is recommending that particular meeting be moved to Wednesday, July 5th.

Staff would like Council to consider establish a Special Meeting for the end of our fiscal year for final bill approval and would recommend Friday, September 29th. This has traditionally been a very short meeting in the morning hours to allow the Finance Department to complete year-end payments.

Although set forth by ordinance, Council may alter the established time and date that is to its members' convenience. Should Council wish to make any further changes, amendments may be made to the ordinance.]

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2827 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2827

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2017.

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

SECTION 1. Nebraska Statutes at Section 19-615 provide that ". . . the Council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class."

SECTION 2. The City Code provides at Section 2-25, that "The City Council shall hold its regular meeting on the first and third Tuesday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month."

SECTION 3. Attached hereto is a "proposed 2017 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2017 on the dates that are indicated on the attached proposed 2017 calendar at the hour of 7:00 o'clock P.M. at the Board of Education Room, 1604 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2827 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next reviewed the second reading of Ordinance No. 2824 which will approve the Rezoning Request of Terry and Yvette Peltz and Chris and Janet Toedtli. 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.]

A motion was made by Councilman Jones, seconded by Councilman Feldges to approve the second 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 second reading of Ordinance No. 2824 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2825 which will amend the Municipal Code to allow Hair Salons and Barber Shops within Residential Zoning Districts with a Conditional Use Permit was the next matter before Council. The following background information was provided to Council:

[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.]

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2825 with the recommended definition changes. 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 115-2 AND 115-97 THROUGH 115-103 OF THE ZONING REGULATIONS, RELATING TO THE DEFINITION OF BARBER SHOP AND HAIR SALON, AND ALLOWING HAIR 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 115-02 shall be amended as follows:

Sec. 115-2. - Definitions.

(a) For the purpose of this chapter, the following words and terms as used herein are defined to mean the following:

Accessory building means a subordinate building having a use customarily incident to and located on the lot occupied by the main building, or having a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof, and designed as an integral part of the main building.

Accessory use means a use of a building or land which is customarily incidental to, and located on the same lot or premises as the main use of the property.

Activity means the performance of a function or operation which constitutes a use of the land.

Agriculture means the employment of the land for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and by the grazing, feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals, or honey bees, and by dairying and the sale of dairy products.

Alley means a minor way which is used primarily for utility services and vehicular service access to the back or side of properties otherwise abutting on or adjacent to a street; affording only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Animal unit means for purposes of this chapter, an animal unit is the term used to describe the relationship of various animals that are being held or fed. Slaughter steers and heifers are assigned the base unit of 1.0. The following multipliers are used in determining animal units:

Category	Animal Units
Slaughter steers and heifers	1.0
Cow-calf	1.3
Dairy cattle	1.4
Horse	0.75
Swine	0.4
Sheep	0.4
All fowl	0.05

Apartment means a room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit.

Apartment hotel means an apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment house means a building arranged, intended, or designed for residence of more than two families.

Barber shop means a structure, area, or shop where a barber, as licensed by the Nebraska Board of Barber Examiners, for compensation cuts and dresses hair, shaves and trims beards, and performs related services allowed to be performed by persons licensed under the Nebraska Board of Barber Examiners.

Basement means a story below the first story as defined under "Story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

Boardinghouse or lodginghouse means a building other than a hotel, occupied as a single-housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building means an enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building except that two buildings connected by a breezeway shall be deemed one building.

Club, private, means a building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

Condominium means the individual fee ownership of a defined space or dwelling unit within a multiunit structure.

Contributing floor area means the total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines, and upper floors, if any, but excluding stairways, restrooms and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Deck means an open area, without a permanent roof, usually attached to or part of and with direct access to or from a building.

Drive-in establishment means any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building, or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling means a building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, two-family and multiple dwellings, boarding and

lodginghouses, apartment houses and apartment hotels, and manufactured houses but not hotels, motels, mobile homes, house trailers or recreational vehicles.

Dwelling, multiple, means a building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartments houses, row houses, townhouses and apartment hotels.

Dwelling, one-family, means a detached building, arranged, intended or designed for occupancy by one family.

Dwelling, two-family, means a building arranged, intended or designed for occupancy by two families.

Facility means a facility is a structure, open area, or other physical contrivance or object.

Family, when applied to the following:

- (1) Any R-1 zoned area, means as follows: One or more persons related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a number of persons but not exceeding two who are not related by blood, adoption or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.
- (2) All zoned areas except R-1, means as follows: One or more persons who are related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost-sharing basis.

Farm/ranch means an area of land containing at least ten contiguous acres which are used for agriculture.

Feed lot.

- (1) The term "feed lot" means a lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals.
- (2) The term "feed lot" does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

Floor area means the total of the horizontal area of all floors including basements and cellars, below the roof and within the surfaces of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or the centerlines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roofline of any building or portion thereof without walls.

Garage, commercial, means a building or portion thereof, designed or used for storage, sale, or hiring of motor vehicles for commercial purposes.

Garage, community, means a building or portion thereof, used in lieu of private garages within a block or portion of a block.

Garage, private, means an accessory building which is used primarily for the storage of motor vehicles by the tenants of the building or buildings on the premises.

Garage, repair, means a building or portion thereof, designed or used for the care or repair of motor vehicles, which is operated for commercial purposes.

Garage, storage, means a building or portion thereof, except those defined as a private, a repair, or a community garage providing storage for more than four motor vehicles.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for other personal enjoyment. See Nursery.

Group home means:

- (1) A facility licensed by the state in which at least four but not more than eight persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation. (LB 525, 1980)
- (2) A residence, including an office space for shelter employees, providing food, shelter, medical care, legal assistance, personal guidance and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Hair salon means a structure, area, or shop where people have their hair cut or styled for compensation by a person licensed by the Nebraska Board of Cosmetology.

Height of building or structure means the vertical distance measured from the highest of the following three levels:

- (1) From the street curb level if the structure sets on the street line to the highest ridge row.
- (2) From the established or mean street grade in case the curb has not been constructed to the highest ridge row if the structure sets on the street line.
- (3) From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one-inch to the foot, or to the highest ridge row for other roofs.

Height of yard or court means the vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home occupation means any occupation, activity, or accessory use of a nonresidential nature conducted in a dwelling unit by a member or members of the immediate family residing

therein and not employing more than one person not a resident of the dwelling. Such use must be clearly incidental and secondary to the use of the dwelling purposes.

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than 12 sleeping rooms and no provisions for cooking in individual rooms.

Junk, waste or scrap materials means old, used, secondhand, worn, or discarded manufactured materials including but not limited, to scrap iron and other metals, paper and related products, rags, rubber tires and other automotive parts, and glass bottles.

Junkyard means any area where waste, discarded or salvaged, is bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards of storage of structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

Landing means an area at the top or bottom of a one or more steps, or placed intermittently within a series of steps in such size and dimension as may be required by a building code.

Landscaping includes, but is not limited to, trees, shrubs, ground covers, perennials, annuals, and other materials such as mulch, rocks, waterfalls, sculpture, art walls, fences underground irrigation system and street furniture.

Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed, or parts thereof.

Lot, corner, means a lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.

Lot coverage means the portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.

Lot depth means the mean horizontal distance from the front street line to the rear line.

Lot in separate ownership at the time of the passage of the ordinance from which this chapter is derived means a lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the register of deeds of the county on or before the date of the adoption of the ordinance from which this chapter is derived.

Lot, interior, means a lot whose side lines do not abut upon any street.

Lot line means the lines bounding a lot as defined herein.

Lot line, front, means the boundary between a lot and the street on which it fronts.

Lot line, rear, means the boundary line which is opposite and most distance from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side, means any lot boundary not a front or rear line thereof. A side line may be party line, a line bordering on an alley or place or a side street line.

Lot, through, means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a movable or portable structure constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. (LB 91-1976)

Mobile home park means any single, planned contiguous development, lot, area, piece, parcel or plot of ground, park or site of at least five acres in area wherein ten or more lots have been designated and improved, the purpose of which shall be residential mobile home. A house trailer space or mobile home space means a plot of ground within a mobile home park designed for the accommodation of one mobile home, complete with a pad, all utility hookups and sufficient off-street parking.

Modular/manufactured housing unit.

(1) The term "modular housing unit" means:

- a. A factory-built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 CFR 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or
- b. As defined in section 71-1557 bearing the seal of the department of health.

(2) The term "manufactured home" does not include a mobile home.

Motel means a building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, but not including restaurants, clubs or other retail sales.

Motor hotel means a building containing 25 or more sleeping rooms for the traveling public, and including restaurant facilities, and other accessory uses.

Nonconforming use, building or yard means a use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of the ordinance from which this chapter is derived.

Nursery means land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.

Nursing home means any structure used or occupied by persons recovering from illness of suffering from infirmities of old age.

Office building means a building designed for or used as the offices of professional, commercial, industrial, religious, institutional, public or semi-public persons or organizations, provided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barbershop, cosmetologist shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street.

Parking lot means an area consisting of three or more vehicle parking spaces together and access to a street or alley and permitting ingress and egress for a vehicle, provided that there shall be no storage of vehicles for the purpose of sale or resale in any residential district.

Parking lot improvements includes any upgrades, alterations, additions, or reconstruction made to an off-street parking lot including drainage, curbing, digging, compacting, installation of additional parking spaces, lighting or landscaping.

Parking lot maintenance means the upkeep and maintenance of any off-street parking lot including scraping, repacking, bringing in more gravel or rock, chip sealing and landscaping. The term "parking lot maintenance" may also include overlaying, sealing, painting or sweeping of hard surfaced lots.

Parking space, off-street, means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Patio means a facility or structure which is typically constructed out of concrete and located at ground level.

Place means an open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Porch means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window to wall area is less than 50 percent.

Principal activity means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal building means a main building or other facility which is designed for or occupied by a principal activity.

Private storage unit means leased or rented facilities for the storage of personal property, such as cars, boats, campers, other recreational equipment, furniture, or other personal property, by individuals. Storage of commercial or industrial raw materials, commodities, or products is not permitted nor is storage of salvage items or junk, or any type of hazardous material.

Recreational vehicle means a vehicular type structure, primarily designed as temporary living quarters for travel, recreational, camping, or vacation use, which either has its own motive

power or is mounted on or drawn by another vehicle which is self-propelled. The term "recreational vehicle" includes travel trailer, camping trailer, truck camper, and motor home.

Sanitary landfill means a type of operation in which garbage and refuse or garbage or refuse is deposited by a plan on a specific portion of land, in accordance with regulations of the state department of environmental quality.

Signs means any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

Special use means a special use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Square footage shall be determined from the measurements on a plot plan or site plan which shall provide the dimensions of the structure or property. Such dimensions for purposes of determining square footage of structures shall be from the exterior surface of outside walls.

Stable, private, means an accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, public, means a stable other than a private or riding stable as defined herein.

Stable, riding, means a structure in which horses or ponies, used exclusively for pleasure riding or driving, or housed, boarded, or kept for remuneration, hire or sale.

Story means a portion of a building between the surface of any floor and the surface of the floor next above it, provided that the following shall not be deemed a story:

- (1) A basement or cellar if the finished floor level directly above is not more than six feet above the average adjoining elevation of finished grade.
- (2) An attic or similar space under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

Street means a thoroughfare which affords principal means of access to property abutting thereon.

Street line means the dividing line between the dedicated street right-of-way and the abutting property line.

Structural alterations means any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

Surface material.

- (1) The term "hard surface" means an all-weather surface consisting of asphalt, concrete, paving rock or brick.
- (2) The term "gravel" means loose fragments of rock or pebbles.
- (3) The term "dirt" means unsurfaced area free of vegetation.

Terrace or patio means a level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

Townhouse means a single-family dwelling unit of two and sometimes three stories that is usually connected to a similar house by a common sidewall.

Variance means relief from a variation of the provisions of these regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in powers and duties of the board of adjustment.

Vehicle means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property, or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, or wagon.

Yard means open space that is unobstructed except as specifically permitted in this chapter and that is located on the same lot as the principal building.

Yard, front, means a yard the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

(b) Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the term "building" includes the term "structure"; the term "shall" or the term "must" is mandatory and not directory; the term "used for" includes the meaning of the term "designed for" or "intended for."

SECTION 2. 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) Hair 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) Hair 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) Hair 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

- 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) Hair 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) Hair 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) Hair 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 curbline, or curbline 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 curbline, curbline extended, and the property line, as those lots are sold, the full 25 feet setback from the street or avenue curbline shall be required between the curbline or curbline 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.
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 - 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