

Council Meetings

July 18, 2023 City Council Meeting

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Building the Best Hometown in America®

ALLIANCE, NEBRASKA
CITY COUNCIL MEETING
Alliance Learning Center
1750 Sweetwater Avenue
July 18, 2023 – 7:00 p.m.
AGENDA

- **Call to Order**
- **Roll Call**
- **Invocation and Pledge of Allegiance**
- **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Law has been posted on the northeast corner of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

A. Consent Calendar

Approval of Minutes, Council Proceedings, Payroll and Claims
AVFD Roster Update
Cemetery Certificate Approval
Resolution 23-54 – Senior Center Grant Renewal

B. Ordinances in conformity with the Comprehensive Plan

Ordinance No. 2957; 2958; 2959; 2960; 2961; and 2962, for the amendments to the City of Alliance Municipal Code in conformity with the Comprehensive Plan.

1. Ordinance No. 2957 – Chapter 101

Ordinance No. 2957 is on third reading, which will approve amendments to Chapter 101 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

2. Ordinance No. 2958 – Chapter 105

Ordinance No. 2958 is on third reading, which will approve amendments to Chapter 105 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

3. Ordinance No. 2959 – Chapter 107

Ordinance No. 2959 is on third reading, which will approve amendments to Chapter 107 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

4. Ordinance No. 2960 – Chapter 109

Ordinance No. 2960 is on third reading, which will approve amendments to Chapter 109 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

5. Ordinance No. 2961 – Chapter 111

Ordinance No. 2961 is on third reading, which will approve amendments to Chapter 111 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

6. Ordinance No. 2962 – Chapter 113

Ordinance No. 2962 is on third reading, which will approve amendments to Chapter 113 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

City of Alliance Goals

Build Excellence Through Warm Communication and Genuine Alliances * Create a Fun Place to Live, Work and Play * Construct Homes and Develop Neighborhoods * Celebrate and Relax In Our Positive and Friendly Hometown * Promote a Strong and Vibrant Community

C. Ordinance No. 2963 – ETJ Amendment and renaming of zoning districts

Ordinance No. 2963 is on second reading, which will amend the Official Zoning Map of the City per Section 109-22 of the City Code, to adjust the extraterritorial zoning jurisdiction of the City and to show new names of the R-1 and R-1a zoning districts. City Staff is requesting the third reading be waived.

D. Resolution 23-55 – 2023/2024 Insurance Renewal

Resolution 23-55 will award the Property & Casualty insurance bid to FNIC in the amount of \$1,008,046.00. The City is recommending Traveler’s Insurance as the carrier, with our Airport General Liability insurance being provided by Old Republic Insurance Company.

E. Board Appointment

Maxine Anderson has submitted an application to serve on the Library Board, with the term ending June 30, 2027.

F. Salazar Property Purchase

The City Council will discuss the purchase of Lot 3, Resubdivision of Block 1, Homestead Addition to the City of Alliance, Box Butte County, Nebraska, from Edward Salazar, and determine if they shall proceed with the sale.

▪ **Motion to Adjourn**

Respectfully submitted,



Shelbi C. Pitt
City Clerk

† Added by addendum to agenda 24 hours prior to the meeting.

The City Council reserves the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

City of Alliance Goals

Build Excellence Through Warm Communication and Genuine Alliances * Create a Fun Place to Live, Work and Play * Construct Homes and Develop Neighborhoods * Celebrate and Relax In Our Positive and Friendly Hometown * Promote a Strong and Vibrant Community

CONSENT CALENDAR – JULY 18, 2023

1. Approval: Minutes of the Regular Meeting, July 05, 2023.
2. Approval: Payroll from June 30, 2023 and July 3, 2023 in the total amount of \$277,260.58.
3. Approval: Claims against the following funds: 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; \$370,332.52.
4. Approval: Update of the Alliance Volunteer Fire Department Roster.
5. Approval: Cemetery Certificate for Joe Lewis.
6. Approval: Resolution 23-54 which will approve and accept the grant renewal funding for RSVP through the Corporation for National and Community Service for three years in the yearly amount of Thirty-Seven Thousand Five Hundred Dollars and No/100s (\$37,500).

NOTE: City Manager Sorensen and City Treasurer Baker have reviewed these expenditures and to the best of their knowledge confirm 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.

July 05, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, WEDNESDAY, JULY 05, 2023

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

The Alliance City Council met in a Regular Meeting, July 05, 2023 at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on June 28, 2023. 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 provided 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 Jones opened the July 05, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Hoelsing and City Clerk Pitt.

- Mayor Jones read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilmen Mischnick, which was seconded by Councilman McGhehey to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 05, 2023

Approval: Minutes of the Regular Meeting, June 20, 2023.

Approval: Payroll from June 16, 2023 in the total amount of \$304,722.32.

Approval: Claims against the following funds: 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; \$1,245,619.05.

Approval: Resolution 23-53 which will allow the closure of 3rd Street from Black Hills Avenue east to Mississippi Avenue from 9:45 a.m.. Saturday, July 22, 2023 until completion of the parade for Heritage Days.

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NOTE: City Manager Sorensen and City Treasurer Baker have reviewed these expenditures and to the best of their knowledge confirm 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: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the Public Hearing for proposed Ordinance 2957; 2958; 2959; 2960; 2961; and 2962, for the amendments to the City of Alliance Municipal Code in conformity with the Comprehensive Plan. The following information was provide:

[There are several code amendments proposed as part of the new Comprehensive Plan. Additional amendments have been proposed by staff for clarification purposes and to bring the code into compliance with laws that other governmental entities have changed or passed. The code change summaries in the narrative are separated by chapter and generalized to provide a brief overview of the changes. Specific changes are highlighted in the draft code given to Council for review.

Chapter 101 – The amendments is this chapter add a section stating the purpose of Part II of the Municipal Code, code amendment procedures, and additional definitions primarily as a result of amendments to the health care and flood plain sections of the zoning code. The health care and flood plain amendments are required as numerous changes to the healthcare and floodplain laws at the State and Federal levels have occurred since our code was drafted.

Chapter 105 – The proposed amendments to this chapter allow for the collection of a drawing review fee for projects valued at \$100,000 or more and allow for commercial business owners to perform nonstructural, non-specialized work on their own buildings. In the circumstance where a large project doesn't get constructed but the drawing review was completed, the City would keep a review fee of 10% of the total cost of the permit and refund the rest. If the project is constructed, the 10% review fee would go towards the cost of the permit. The building code already allows this for all projects but staff believes it's only necessary for larger projects where the investment in staff's time and resources is more significant and thus more of a loss.

Chapter 107 – The amendments to the subdivision chapter are the removal of the requirement of drawing building or setback lines on plats; the vacation of plats if replatted more than two times; and additional requirements for administrative

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subdivisions. Setbacks and building lines change with zoning. If the zoning changes after the plat is approved, the setbacks and building lines shown on the plat may become incorrect. The code adds the requirement of plat vacation if being replatted more than two times. Every replat has to reference the previous plat and after several replats, the legal description becomes long, confusing, and can cause legal and title issues if something is missed. The proposed code would allow for rural administrative subdivisions and the requirement for Public Improvement Deferments in certain cases where not all improvements are installed.

Chapter 109 – This chapter is the zoning and land use chapter. The proposed amendments primarily increase the density of residential developments by allowing townhouses, accessory dwelling units, shorter rear setbacks if the lot is adjacent to an alley, and setback reductions if structures on the same lot are fire rated as required by the adopted fire code. It also makes the same changes to the health care land uses that necessitated the definition changes in Chapter 101.

Chapter 111 – The amendments to this chapter are the requirements for accessory dwelling units permitted by Chapter 109. There are also some procedural changes and clarifications requested by staff to help clear up enforcement issues in the code pertaining to fences, parking, and exceptions to setbacks.

Chapter 113 – This chapter is also known as the floodplain ordinance. The amendments proposed are not necessarily required by the Comprehensive Plan but are required by the State and Federal governments to meet their minimum guidelines for the National Flood Insurance Program. The proposed code was sent to the Nebraska Department of Natural Resources and FEMA, and has been approved at both levels.

The City of Alliance Planning Commission met at their regular meeting on April 11, 2023, and held a Public Hearing for the proposed code amendments. The Planning Commission then voted to recommend the City Council approve the code amendments, after making the following findings of fact:

- 1.The amendments are consistent with the goals of the proposed Comprehensive Plan.
- 2.The amendments are needed to clarify the changes in healthcare and flood plain administration laws over the past 40 years.
- 3.The City participating in the National Flood Insurance Program is beneficial for the City of Alliance and thus the amendments to Chapter 113 are necessary.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE AMENDING PART II OF THE ALLIANCE MUNICIPAL CODE, TITLED LAND DEVELOPMENT AND PLANNING.]

Mayor Jones stated now is the date, time and place to conduct a public hearing on

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Ordinance 2957; 2958; 2959; 2960; 2961; and 2962, for the amendments to the City of Alliance Municipal Code in conformity with the Comprehensive Plan. The Public Hearing opened at 7:04 p.m.

Bob Neville, 422 Box Butte Avenue, expressed that he would like to see that Chapter 109, regarding residential dwellings on the main floor of a commercial business reflect 40% ground floor coverage instead of the 30%.

With no further testimony offered, Mayor Jones closed the public hearing at 7:06 p.m.

A motion was made by Councilmen Mashburn, seconded by Councilmen Mischnick to approve the second reading of Ordinance No. 2957, Ordinance No. 2958, Ordinance No. 2959, Ordinance No. 2960, Ordinance No. 2961, Ordinance No. 2962. City Clerk Pitt read the Ordinances by title which follows in its entirety:

Ordinance No. 2957

AN ORDINANCE ADOPTING SECTION 101-2 OF THE ALLIANCE MUNICIPAL CODE, RENUMBERING SECTIONS OF THE ALLIANCE MUNICIPAL CODE ACCORDINLY; AMENDING PORTIONS OF CHAPTER 101 OF THE ALLIANCE MUNICIPAL CODE, AS RENUMBERED; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Section 101-2. Purpose of the City Code is adopted as follows:

“Sec. 101-2. Purpose.

The purpose of Part II of the City of Alliance Municipal Code is to promote the health, safety, morals, and general welfare of the community by regulating the height, number of stories, and size of buildings; regulating and restricting lot coverage, the size of yards, courts, and other open spaces, and density; regulating the location, and use of buildings, structures, lots, and tracts of land for industry, residence, or other purposes; dividing the area into zoning districts; any other purposes stated within each Chapter of this code; and provide for the enforcement thereof.”

SECTION 2: Sections 101-2, 101-3, 101-4, 101-5, and 101-6 of the City Code are renumbered as Section 101-3, 101-4, 101-5, 101-6, and 101-7, respectively.

SECTION 3. Section 101-5. Amendments to Part II of the Alliance Municipal Code, as renumbered in Section 2 of this Ordinance above, is amended as follows:

“Sec. 101-5. Amendments to Part II of the Alliance Municipal Code.

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- (a) Planning commission. Recommendations for revision or amendment of any portion of Part II of the Alliance Municipal Code, including the zoning ordinance and district map, may be initiated by the planning commission upon its own motion, for final determination by the city council, but only after proper notices and public hearings required by state law are held by each body.
- (b) City council. The city council may revise or amend any portion of Part II of the Alliance Municipal Code, including the zoning ordinance and district map, upon its own action, provided such proposed revisions or amendments shall first be submitted to the planning commission for recommendation and report as required by State law, and only after proper notices and public hearings required by state law are held by each body.
- (c) Public. Requests for an amendment, revision, or change of any of the rules, regulations, or provisions of the text of Part II of the Alliance Municipal Code, including the zoning ordinance, may be made by any interested person by written letter, duly filed with the City Manager or designee no less than 15 working days before the next regular meeting of the Planning Commission. The applicant's letter shall detail the proposed code amendment, revision, or change along with reasoning. Amendments to chapters 109 and 111 shall be done according to the procedures set out in chapter 109.
- (d) Notification. For proposed code amendments to Part II, public hearings shall be held by the planning commission and city council. The notice of public hearing shall be published in one issue of a newspaper of general circulation within the city not less than ten days prior to the date of said hearing.
- (e) Meeting. Upon the hearing of such proposed code amendment, the planning commission shall make a recommendation to the city council. The city council shall hold a public hearing and act on the proposed amendment after taking the planning commission's recommendation into consideration."

SECTION 4: Sections 101-8 to section 101-20 of the City Code are reserved.

SECTION 5: Section 101-62. A. of the City Code is amended as follows:

"Sec. 101-62. – A.

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

Accessory structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

Accessory use means the use of a building or land which is customarily incidental to, and located on the same lot, parcel, or tract as the principal use or conditional use.

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

Adult theater or adult bookstore means any establishment in which the preponderance of the material offered for viewing, sale, lease, or display emphasizes matters depicting, describing or relating to the following:

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- (1) Act of masturbation, sexual intercourse or penetration, or sodomy;
- (2) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
- (3) Purely prurient interests;
- (4) Less than completely or opaquely covered human genitals, pubic regions, buttocks, female breasts below a point above the top of the areola;
- (5) Human genitals in a discernably turgid state, even if covered completely or opaquely;
- (6) Human genitals in a state of stimulation or arousal.

Advertising structure means any structure which supports or is capable of supporting any sign or advertising message as identified in this Code, and may be a single pole or composed of parts joined together in some definite manner.

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.

Agricultural structure for floodplain management purposes shall mean a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

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 principal building or accessory building.

Animal Unit is a term used to describe the relationship of various animals that are being held or fed. 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 arranged, intended, or designed for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Apartment hotel means a building designed for or containing both apartments and individual, furnished guestrooms or rental units utilizing similar booking processes as hotels/motels, under resident supervision, and which maintains an inner lobby through which all tenants must pass to gain access to apartments, rooms, or units.

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

Area of shallow flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Areas of special flood hazard means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as zone A on the official flood map.

Attention attracting device means a sign or device that flashes, blinks, revolves, rotates, swings, undulates, or otherwise attracts or is designed to attract attention through electronic changes but does not include time and temperature or electronic word message signs.

Automobile means a usually four wheeled automotive vehicle designed for passenger transportation, excluding busses and trucks.

Awning means a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.”

SECTION 6: Section 101-63. B. of the City Code is amended as follows:

“Sec. 101-63. – B.

Backage road means a road typically running parallel to a highway or expressway that provides access to property adjacent to said highway or expressway from the rear of the property; may also be referred to as a reverse frontage road.

Banner means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind; this does not include flags, emblems, or insignia displayed for noncommercial purposes.

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.

Barn means an agricultural building used for the storage of farm products or feed, and the housing of farm animals and equipment.

Barrel means a unit of liquid measurement as that term is contemplated and used for licensing purposes under the Nebraska Liquor Control Act, R.R.S. § 53-101 et seq., as amended from time to time.

Base flood means the flood having one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means the story below the first story if the finished floor level directly above is not more than six feet above the average adjoining elevation of the finished grade, such space shall be counted as a story for height regulations if subdivided and used for dwelling purposes other than by a custodian employed on the premises.

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Bed and breakfast means sleeping accommodations rented on a short term basis, where a morning meal is provided, in a building typically used as a one family dwelling.

Bicycle pathway means that portion of a paved right-of-way, whether within a public street or an exclusive travelway, which has been designed in a prescribed manner for exclusive bicycle use.

Block means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, or a combination thereof, but not alleys. In cases where the platting is incomplete or disconnected, the city manager or designee shall determine the outline of the block.

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

Brewery means any industrial facility that manufactures beer in quantities greater than 20,000 barrels annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises.

Building means an enclosed structure, anchored in a permanent manner, and having exterior or party walls and a roof, designed for the shelter of persons, animals, chattels, 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.

Building line means the horizontal line as measured from any lot line at which a building must be or has been constructed.

Business Improvement District Act of 1979 means the applicable statute governing first class cities and is hereby adopted by reference.

Business office means any office of a recognized profession, such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others, who, through training and licensure, are qualified to perform services of a professional nature, and other offices used primarily for accounting, corresponding, research, editing and other administrative functions of a profit-making or nonprofit organization, but not including banks or other financial institutions.

Business services means establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to catering services and related food preparation; advertising and public relations; management and consulting services; employment services (including temporary agencies); building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; communications equipment and services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including rental, sales or repair of vehicles or heavy equipment.

Butcher shop means a place where livestock (including poultry) are killed and butchered on site and the meat is cured, smoked, packed, or otherwise prepared on site for sale, and some or part of the meat is sold on site at retail; provided, however, that all such operations (including slaughter) shall be performed entirely indoors, live animal delivery shall take place only one day a week, all waste material including manure and renderings shall be cleared within two days of killing, such shop shall not hold live animals for more than 24 hours after delivery, and such shop shall be limited to killing a maximum number of 30 animal units per week (see meat market)."

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SECTION 7: Section 101-65. D. of the City Code is amended as follows:

“Sec. 101-65. – D.

Day care center means a facility located within a building, or part of a building that is not used as a dwelling unit, for the care, on a regular basis, during part of a 24-hour day, of children under the age of 16, handicapped, or elderly persons.

Developer means the owner of land proposed to be subdivided or their representatives. Consent shall be required from the legal owner of the premises.

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Distillery means any industrial facility that manufactures spirits in quantities greater than 10,000 gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises.

Drainway; see “watercourse.”

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 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.

Driveway vision triangle means the triangle formed at the intersection of a private driveway and sidewalk or city right-of-way if there is no sidewalk. It is created by measuring ten feet from the before mentioned intersection along the interior side of the sidewalk or the right-of-way and along the private property side edge of the driveway, and connecting the hypotenuse between these two points.

Dwelling means a building or portion thereof, designed exclusively for permanent residential occupancy, including one-family dwellings, two-family dwellings, multiple dwellings, boarding houses, and manufactured houses, but not hotels, motels, mobile homes, house trailers, or recreational vehicles.

Dwelling, accessory means an attached or detached structure located on the same lot as the principal dwelling unit and used as a one-family dwelling.

Dwelling, multiple family means a building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartment 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.”

SECTION 8: Section 101-67. F. of the City Code is amended as follows:

“Sec. 101-67. – F.

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

Family applied to the following districts:

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(1) Any R-1 zoned area: 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 is used for agriculture.

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; not including areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

Fence means any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive, or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.

Fence; closed means fences constructed in any manner other than an open fence.

Fence; open means split rail or one by four inch board with a maximum of three horizontal rails or boards with no vertical boards except supporting posts, or open metal fencing. Privacy slats or any other fencing equipment that may hinder vision shall be considered a closed fence.

Fence vision triangle means the triangle on a corner lot at the intersection of two streets or avenues. It is created by measuring 25 feet from the intersection along each property line and drawing the hypotenuse between these two points.

Filling station means a facility that sells automobile fuel including, but not limited to, gasoline, diesel, propane, and compressed natural gas. It shall also include charging stations and may be accompanied by convenience food stores.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood fringe means that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood insurance rate map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

