



NOTICE OF REGULAR MEETING ASHLAND PLANNING COMMISSION

May 28, 2020

NOTICE IS HEREBY GIVEN that a regular Meeting of the Ashland Planning Commission will be held at 7:00 P.M. on Thursday, May 28, 2020 by electronic communication via Zoom Meeting. To join Zoom Meeting go to: <https://us02web.zoom.us/j/84120480713?pwd=T3k0TTlZdGE5c29RWVR2K0x6M0wyZz09> or by Mobile +13462487799,,84120480713#,,1#,345900#. Said meeting is open and the public is encouraged to attend.

AGENDA

1. Roll Call
2. Notification to the public that the Open Meetings Act. Meeting is following the Governors emergency public meeting act.
3. Approval of April 30, 2020 minutes
4. Public Hearing for Zoning Text Change Ordinance 1177. Allow for additional accessory building and more square feet.
5. Consider Zoning Text Change
6. Public Hearing for Conditional Use Permit 20-34 for operation of Bed & Breakfast at Lots 7-9 Block 17 Flora City Addition to Ashland, located at 203 N 15th Street.
7. Consider Conditional Use Permit
8. Public Hearing for Conditional Use Permit 20-36 for Domestic Dog Kennel at Lot 1-2 & East 29 1/3' Lot 3 Block 3 Flora City Addition to Ashland, located at 1605 Furnas Street.

9. Consider Conditional Use Permit.
10. Public Hearing for Conditional Use Permit 20-37 for compliance with Ordinance 1173 at Lot 1 Tract 5 Graham's Addition to Ashland, located at 2726 Furnas Street.
11. Consider Conditional Use Permit.
12. Discuss property at 100 Hwy 6. (Storage Units).
12. Review Administrative Report
13. Public Comment: Public comments may be heard from individuals present. Public comment is limited to five minutes per individual. No action will be taken on these topics as no comments will be made by the Commission.
14. Adjourn



ASHLAND PLANNING COMMISSION REGULAR MEETING April 30, 2020

A regular meeting of the Ashland Planning Commission was held by electronic communication via Zoom Meeting on the 30th day of April, 2020 at 7:00 p.m.

Members Present: Susan Cerny, Bob Crisler, Doug Whitehead, Janece Mollhoff and Jamie Wilson
Staff Present: Bill Krejci and Jessica Quady
Others Present: Mike Manley, Thomas Kayton

Notice of the public hearings was published in the Ashland Gazette on April 16, 2020. Notice of the meeting was published in the Ashland Gazette on April 16, 2020. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Cerny called the meeting to order at 7:04 p.m. Roll call was taken and a quorum was declared. Cerny noted that the Open Meetings Act is following the Governors emergency public meeting act.

Motion by Wilson, seconded by Cerny, to approve the minutes of the February 27th 2020 meeting with the corrections noted: Correct spelling of Mollhoff and change public hearing opening from Chudomelka to Cerny.

Discussion: None. Roll Call: Ayes: All Present

Cerny opened a Public Hearing at 7:07 pm for A Zoning Text Change 20-07 to allow for additional accessory building and more square feet. Krejci opened discussion by reading the proposed change to the text. “*Total of not more than two buildings with a combined total of 3000 square-feet for residential uses on less than 2 acres or three buildings on lots 2 acres and greater totaling no more than 4,500 square-feet, provided the total lot coverage of all buildings does not exceed 30%.” Whitehead asked what the current text stated Total of not more than two buildings with a combined total of 3000 square-feet for residential uses provided the total lot coverage of all buildings does not exceed 30%. Krejci stated that the applicant is looking for an increase in the number of buildings allowed and an increase to the total square footage allowed on properties in R-1 over 2 acres in size. Whitehead asked if anything was on the lot, Krejci stated the lot is currently bare. Mike Manley stated he just purchased the lot in January. Whitehead asked the applicant to speak about what he wanted. Manley stated he would like along with his house and attached garage he would like a pole building approximately in 3000 square foot building and in the future a detached garage and smaller building like a tuff shed. Manley stated that with all the building he would be way under the maximum lot coverage requirement of 30%. Whitehead asked about the rule requiring an accessory structure cannot be larger than the primary building, Krejci confirmed that was correct. Discussion ensued between Manley and the Commission about what Manley wanted to do. Crisler stated that the town is generally restrictive on what is allowed on a lot and that size doesn’t matter, stating do we want to really make that change. Mollhoff asked about the zoning on the rest of the Greystone subdivision and Krejci stated that there are 2 lots that are zoned RE. Mollhoff asked if these changes fall in line with what other city’s or even the counties are doing. Krejci stated he had

not looked into that. Quady stated that Jeff Ray from JEO helped with the language being used for this regulation. Quady stated he didn't have a concern with the change. Cerny asked for Krejci's opinion, he stated it didn't matter to him and that he could see both sides of the situation. Krejci said the city has updated regulations like this several times already. Crisler stated he was interested in knowing what the neighbors in the area think and have a chance to respond to this change. Manley stated that his neighbors are interested in seeing how it goes, has most have not put their building up yet. Manley stated his request again and then thanked the committee. Krejci asked if there was any further discussion hearing none called for motion to close public hearing.

Motion by Mollhoff, seconded by Cerny to close public hearing. Roll Call: Ayes: All Present

Discussion: Krejci asked for motion, Whitehead stated he was not comfortable has it was written. Cerny asked if more information was needed. Quady stated that Krejci needed direction to what information they would like to see. Mollhoff mentioned that maybe continuing the stair stepping the square feet like other zoning districts are. Whitehead stated that splitting R-1 district was not a good idea. Crisler stated that R-1 standards should not exceed the requirements for RE. Crisler stated that he would like to see an ordinance that included all districts so that changes if any are made at the same time. Whitehead asked to see information on what other towns are doing. Krejci stated he could get that information for them. Cerny said that a motion to table should be made for more information. Krejci told the commission to contact him about what each member would like to see at the next meeting.

Motion by Mollhoff, seconded by Crisler, to Table until next meeting so more information can be gathered regarding the Zoning Text Change 20-07 to allow for an additional accessory building and more square feet.

Discussion: None. Roll Call: Ayes: All Present

Cerny opened a Public Hearing at 7:53 pm for Conditional Use Permit 20-14 to install an illuminated wall sign cabinet located at 1411 Silver St.

Krejci stated historical preservation committee recommended approval. Representative shared information about the proposed sign. Wilson asked about the type of light used. Cerny stated the main question in HPC asked if the sign would be lit all night. Discussion ensued and Quady having lived downtown stated that the lights downtown is bright and that the sign would not be any brighter. Hearing no further discussion, Krejci called for motion to close public hearing at 7:57 pm.

Motion by Mollhoff, seconded by Cerny to close public hearing.

Discussion: None. Roll Call: Ayes: All Present

Cerny called to Consider illuminated wall sign cabinet

Motion by Crisler, seconded by Wilson, to recommend approval of Conditional Use Permit 20-14 for an illuminated wall sign at 1411 Silver St.

Discussion: None. Roll Call: Ayes: All Present

Cerny opened a Public Hearing at 8:03 pm for Zoning Text change 20-33. Review standards in the B-3 District and Section 8.12 Self-storage Units.

Whitehead asked if the City was the applicant, Krejci then explained how this ordinance came

about. Krejci stated that this ordinance was set into motion when the use of Self-storage units was added to the B-3 district. Krejci stated he had an application for a storage unit and it was denied because it did not follow the set criteria for B-3 Storage units. As a result, this opens the opportunity to look at the B-3 district regulations to see if any changes or modifications are needed or leave as is. Krejci stated they were asking for outside storage and current B-3 regulations do not allow outside storage. Cerny asked what regulations that was. Krejci stated sections 8.12, 02 and 04. Krejci said this also opens discussion about concrete, outside use and what can be stored outside. Mollhoff asked where B-3 districts are within the City. Quady stated that B-3 is highway commercial it's found only along the highway and intersection of Hwy 6 and 66. Mollhoff also stated it would fall in the highway corridor regulations as well. Mollhoff asked if any of this would apply to existing storage units in the city, Quady stated no that all those are existing non-conforming uses. Discussion ensued about how outside storage would look along the highway. Thomas Kayton, the site developer questioned whether or not that when storage units were added to B-3 that his storage plan would be allowed. Krejci stated that what was allowed was the use but did not set the standards for what would be allowed with that use. Crisler proposed adding a proportionate size to outside storage, suggesting that no more one third of the property be for outside storage. Mollhoff stated that outside storage has been a topic talked about for a long time and that there is a need whether it is wanted or not, she pointed out that Lee Sapp's car lot on the highway is basically outside storage. Quady stated that Sapp's lot use is auto sales. Wilson asked how the corridor overlay will affect this project. Krejci explained that the overlay district is hard to apply and is being looked at for modifications to give better direction to applying it to a project. Krejci stated it is something he is working on. Cerny asked if there was anything else that needed to be discussed. Krejci stated that he did not include setbacks in this hearing because he did not think we wanted to adjust it as a whole in the B-3 district. Krejci stated that Mr. Kayton could take the set back issues to the board of adjustments for review of his site-specific plan. Quady asked if there was any further discussion about any other parts of the proposed ordinance. Krejci asked about each specific section to make sure content was how the commission wanted it. Members said they appreciated his effort in getting everything included. Krejci asked specifically about parking surfaces section 8.12.10. Mollhoff asked how that matched up with other regulation for storage on residential lots in town. Krejci stated that a hard surface is currently required in residential storage on side yards for campers. Krejci said paving surfaces needs to be looked into to see what the Commission wants to see around town. Krejci asked about the curb proposal in that section. Kayton says he did not know about that requirement. Kayden stated that it would not be economical feasible for that to be done there. Mollhoff asked the purposed for the curbing. Krejci said it was done to help contain the aggregate materials being used. Discussion then ensued about surface material being used in B-3, specifically talking that what is allowed here will be allowed in all B-3 included the corner by Whitetail. Quady stated that the curbing would also help with ease maintenance of the property. Discussion then ensued whether the curbing should be added. Quady reminded the commission that they are a recommending body and need to decide what they want to recommend to the City council. Crisler asked if rezoning this property would be an option. Krejci stated then you get into spot zoning and that is not allowed. Krejci asked what they wanted to do; discussion then ensued again on what to do. Whitehead stated that maybe some give and take need to happen to get this project done. Kayton stated he has tried to be transparent thru this process about what was needed. Crisler suggested striking the hard surface requirements of 8.12.03 and strike the curb requirement for the curbing in 8.12.10 from the ordinance. Cerny asked if that covered everything that was denied with the permit. Kayton asked about the greenspace requirement and the percentages required, Krejci explained the requirement and the proposed change from 35% to 25% in the ordinance. Quady stated this was something that could go to the board of adjustment if necessary due to lot shape. Kayton asked about the corridor overlay requirements. Quady stated this is something Krejci and Kayton would work it out. It was also asked to remove 8.12.05.

Motion by Mollhoff, seconded by Wilson to close public hearing.

Roll Call: Ayes: All Present

Motion by Cerny, seconded by Crisler, to recommend approval of Zoning Text change 20-33 with the following changes: remove curbing requirement, remove concrete pavement as long as compacted aggregate is used and add to ordinance 1/3rd of property can be used for outside storage.

Discussion: None. Roll Call: Ayes: All Present

Cerny open floor for Nomination of Planning commission Chair and Vice Chair.

Mollhoff nominated Cerny for chair and Cerny nominated Crisler for vice-chair

Motion by Mollhoff, seconded by Whitehead,

Discussion: None. Roll Call: Ayes: All Present

Administrative report was reviewed. Krejci stated that February was slow, March was better and April has been good.

Public Comment: Meeting was opened for Public comments. None present for comment

Motion by Wilson, seconded by Crisler, to close meeting.

Discussion: None. Roll Call: Ayes: All Present

Meeting adjourned at 8:51 pm.

Respectfully Submitted, Bill Krejci

CITY of ASHLAND
APPLICATION FOR AMENDMENT TO ZONING TEXT

Application Date: 2-20-2020 Case # ZTA 20-07

Application Fee: \$200 pd Receipt #: 260994

Applicant name: MIKE Manley

Applicant Address: 19875 Greystone Drive

City: Ashland State: NE Zip: 68003 Telephone #: 402-968-8493

REQUEST AMENEDMENT TO SECTION(S): General Provisions - Section 4.14

Accessory Building & Uses 4.14.10

Suggested Amendment context: 3 structures on lots greater than 2 acres totaling no more than 4,500 sq ft.

Reason for Amendment Request: To utilize the acreage property to its potential, allowing for multiple accessory buildings that are proportionate to the square footage of the acreage

Additional pertinent information: Current ordinance only allows 1 accessory building to maximum 3000 sq ft. Property owners of an acreage would like to utilize multiple accessory buildings in different ways.

Signature of owner: Mike Manley
(or)

Signature of authorized agent: _____

Recommendations

Planning Commission Approve / Disapprove / Recommendations Public Hearing Date: 4/30/2020
~~3/26/2020~~

Recommendations: _____

Approval

City Council Approve / Disapprove Public Hearing Date: 5/21/2020
~~4/16/2020~~

Ordinance Number: _____ Final Reading Date: 6/18/2020
~~5/21/2020~~

Suggestions: _____

Zoning Administrator Report for Proposed Ordinance #1177

April 20, 2020

Planning Commission Hearing: April 30, 2020.

I. APPLICANT

Mike Manley

II. REQUEST

Requests a text amendment to Section 5 of the City of Ashland Zoning Regulations. The amendment would change the number of buildings and the total square feet allowed in the R-1 District according to the acreage of the lot.

III. BACKGROUND INFORMATION

Original Ordinance September 2016.

“*Total not to exceed 900 sq. ft. for residential use; provided the total lot coverage of all buildings does not exceed 30%.”

Ordinance 1157 Oct. 2018 changed Subsection E, Height and Area Requirements, of Section 5.07.

“*Total of not more than two buildings with a combined total of 3,000 square-feet for residential uses, provided the total lot coverage of all buildings does not exceed 30%”

Ordinance 1165 May 2019 changed Subsection D, Accessory Uses, of Section 5.07

“1. Buildings and uses customarily incidental to the permitted and conditional uses. No accessory buildings shall exceed the ground floor coverage nor the height of the principal building.”

Proposed Ordinance 1177

“*Total of not more than two buildings with a combined total of 3000 square-feet for residential uses on less than 2 acres or three buildings on lots 2 acres and greater totaling no more than 4,500 square-feet, provided the total lot coverage of all buildings does not exceed 30%.”

IV. STANDARDS IN OTHER DISTRICTS

TA – “*Total of not more than two buildings with a combined total of 5000 square-feet for non-agricultural uses.”

RE – “*Total of not more than two buildings with a combined total of 4000 square-feet for non-agricultural uses.”

RT – “Provide total area of accessory structure for single family does not exceed 864 square feet and the total lot coverage of all buildings does not exceed 40%.”

R-2 - “Provide total area of accessory structure for single family does not exceed 864 square feet and the total lot coverage of all buildings does not exceed 40%.”

SECTION 1103 ACCESSORY BUILDINGS AND USES

1103.01 USE FOR DWELLING: Accessory buildings shall not be used for dwelling purposes unless specifically permitted.

1103.02 SIZE LIMITATIONS

Accessory buildings are intended to remain secondary in nature to the primary building or structure on the land or tract of land in which they are located. Accessory buildings in all Residential Districts (does not include AGG) shall meet the following additional requirements:

1. The maximum number of accessory buildings shall be limited to two (2) structures.
2. No accessory building shall be located between the front building line of the principle building and the front property line, except:
 - A) In RRE Districts upon the approval of a conditional use permit. The conditional use permit may include but not limited to requirements for additional set back, landscaping, screening, etc. All accessory buildings must meet front yard setback requirements.
 - B) In RL Districts on lots of forty-five thousand (45,000) square feet or greater upon the approval of a conditional use permit. The conditional use permit may include but not limited to requirements for additional set back, landscaping, screening, etc. All accessory buildings must meet front yard setback requirements.
3.
 - A) For lots that are 10,000 square feet or smaller, the maximum combined total square footage of all accessory buildings shall not exceed the greater of:
 - 1) Fifty (50) percent of the total square footage of the primary building's ground coverage area (area calculated at the exterior of the building at ground level).
 - 2) Eight hundred and sixty four (864) square feet.
 - B) For lots larger than 10,000 square feet but less than 2 acres, the maximum combined total square footage of all accessory buildings shall not exceed the greater of:
 - 1) Fifty (50) percent of the total square footage of the primary building's ground coverage area (area calculated at the exterior of the building at ground level)
 - 2) Eight hundred and sixty four (864) square feet plus one (1) percent of the lot size above 10,000 square feet, not to exceed twelve hundred (1,200) square feet.
 - C) For lots of at least 2 acres but less than 5 acres, the maximum combined total square footage of all accessory buildings shall not exceed twenty-four hundred (2,400) square feet.
 - D) For lots of at least 5 acres, the maximum combined total square footage of all accessory buildings shall not exceed thirty-two hundred (3,200) square feet.

4. The combined total square footage area of the primary and accessory buildings shall not exceed the maximum allowable Lot Coverage Area as allowed by the zoning classification in which the buildings are located.
5. The maximum allowable height of an accessory building, at its highest point, shall be the greater of: a) The height of the primary structure or the maximum height allowed in the base zoning district, whichever is less, or b) Twenty (20) feet. For purposes of this provision, height shall mean vertical distance measured from the average elevation of the finished grade of the building to the highest point of the building.
6. No accessory structure shall be constructed without a primary building or structure. No accessory building shall remain if the primary structure is removed or demolished.

1103.03 VEHICLE ACCESS: Unless otherwise specifically permitted, any accessory building requiring vehicle access from an alley way shall be located a minimum of fifteen (15) feet from the rear property line.

1103.04 ATTACHED ACCESSORY USE: Any accessory attached to the principle building shall be considered as a part of the principle building and shall meet the same requirements as specified for the principle building in said district.

1103.05 FIRE HAZARDOUS ACCESSORY USES: No accessory use shall be located within ten (10) feet of a residential dwelling that creates a fire hazard or would subject the residential structure to a potential fire, such as a detached fireplace, barbecue ovens, flammable liquid storage, etc.

1103.06 CAR PORTS: Car ports are not considered structures. Car ports can not be use for storing anything but cars and pickups.

SECTION 1104 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any zoning district except AGG, RRE, RL, RM, RML and RMH, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each principal structure as though it were on an individual lot.

SECTION 1105 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, domes, chimneys, grain elevators and accessory agricultural structures.

SECTION 1106 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved with the exception of nonresidential agricultural related structures in A Agricultural zoned districts, shall be on a lot adjacent to a public or approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

SECTION 1107 UTILITY AND LOT AREA REQUIREMENTS FOR RESIDENTIAL STRUCTURES

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste disposal system.
2. No waste absorption field (septic tank, cesspools, etc.) shall be constructed any closer than twenty-five (25) feet from any adjacent property line.
3. There shall be no waste absorption field located closer than fifty (50) feet from any other residential structure.
4. There shall be no waste absorption field located closer than fifty (50) feet from a water well provided; however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance shall be required.
5. An individual residential waste absorption field shall contain a minimum of ten-thousand (10,000) square feet, exclusive of the area required by structure. The entire tract shall contain not less than twenty-thousand (20,000) square feet. If tract is less than two (2) acres, public water must be available.

SECTION 1108 TEMPORARY STRUCTURES

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the building is completed.

SECTION 1109 CARETAKERS QUARTERS

Caretaker's quarters are permitted in all districts, if included in the principle structure, providing said use is incidental to the principal use.

SECTION 1110 ADJUSTMENTS TO FRONT, REAR, AND SIDE YARD REQUIREMENTS

1. In all districts except A/ML and A/MH, where forty (40) percent or more of the frontage on one (1) side of a street between the nearest boundary lines of two (2) intersection streets, within the same zoning district, is developed with buildings that have established, with a variation of

Section 5.09 R-1 Low Density Residential

5.9.1 Intent: The Low Density Residential District is intended to permit single family residential developments and other compatible uses.

5.9.2 Permitted Uses:

The following principal uses are permitted in the R-1 District.

1. Single family dwellings.
2. Public and private schools.
3. Public Services.
4. Publicly owned and operated facilities.
5. Public recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.

5.9.3 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, hospice, other similar institutions, or philanthropic institutions.
2. Religious institutions.
3. Family Child Care Home II.
4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.

5.9.4 Permitted Accessory Uses:

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Parking for permitted uses as per Section 8.01 through 8.06.
5. Signs allowed in Section 7.01 through 7.04.
6. Home Occupations, as per Section 8.07.
7. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
8. Family Child Care Home I
9. Landscaping as required by Section 9.03
10. Incidental public safety uses such as emergency sirens
11. Amateur radio towers and associated facilities, per Section 8.08

5.9.5 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. ⁵ (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling (existing development ⁴) ²	10,000	80	25	7.5	25	15	35	35/50
Single-family Dwelling (future development ³) ²	10,000	80	25	7.5	25	25	35	35/50
Other Permitted and Conditional Uses	10,000	80	25	7.5	25	15	35	35/50
Accessory Buildings	-	-	50	8	5	15	17	10 ¹

¹ Provided total area of accessory structure for single family does not exceed 720 sq. ft. and the total lot coverage of all buildings does not exceed 45%.

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing dwellings along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback, except for accessory buildings which shall be 35 feet.

³ Future development shall be defined as all new subdivisions created after the date of passage of this Ordinance.

⁴ Existing development shall be defined as existing prior to the adoption of this ordinance and shall not include any replatting or lot splits done after the date of original adoption.

5.06.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling (private well, private septic)	3	200'	35' (6)	15' (5)	30'	25'	8%
Residential Dwelling (rural water, private septic)	1	150'	35' (6)	15' (5)	30'	25'	15%
Residential Dwelling (public water, public sewer)	20,000 sq. ft.	100'	35' (6)	15' (5)	30'	25'	20%
Other Permitted Uses	20,000 sq. ft.	100'	35' (6)	15'	30'	45'	20%
Permitted Conditional Uses	3	100'	75' (6)	25'	30'	45'	20%
Accessory Uses	-	-	35' (1), (3), (6)	10' (3)	10' (3)	15' (4)	5% (2)

1. Provided the Accessory Use shall not be located closer to the front lot line than the closest point on the front wall of the dwelling.
2. On lots of 20,000 square feet, the accessory building shall not exceed **1200** square feet total area. On lots greater than 1 acre, the accessory building shall not exceed the lesser of 3,500 square feet or five percent (5%) of the size of the lot, provided, however, in no case shall an accessory building exceed one hundred fifty percent (150%) of the size of the dwelling. (Ord. 781; 3/8/06)
3. In the case of an accessory building that exceeds **1200** square feet in total area, the required front, side, and rear yard setbacks shall be doubled to seventy feet (70'), twenty feet (20'), and twenty feet (20'), respectively. (Ord. 781; 3/8/06)
4. **On lots one acre or larger, the maximum height of accessory structure shall not exceed eighteen feet (18'). (Amended Ord. 873 5/9/12)**
5. **The side yard setback on corner lots shall be 15' from the property line on the non-address side. (Ord. #939; 01/13/16)**
6. **For lots platted to the middle of the road, setbacks start from the road right-of-way. This regulation also applies to side yard setbacks on corner lots. (Ord. #939; 01/13/16)**

5.06.06 *Use Limitations:*

1. A 1 to 1-1/2 story single family dwelling constructed with a slab on grade or with no basement, split-level or multi-level with less than five (5) feet of vertical separation between floors, shall contain a minimum of 1,000 square feet of floor area on one level exclusive of garages and attached accessory floor area.
2. A split-level or multi-level dwelling shall have a minimum of 750 square feet of floor area on the floor nearest grade level.

5.07.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Max Height	Max. Lot coverage
Single Family Detached Residential	8,400	65'	25'	(1)	35'	35'	35%
Single Family Detached & Attached; Corner Lot	10,600	90'	25'	(1) (4)	35'	35'	35%
Single Family Attached Resid/Townhouse. (per unit)	4,000	35'	25' (5)	(3) (4)	35' or 20%	35'	60%
Other Permitted Uses	10,000	60'	25'	(1)	35'	35'	35%
Permitted Conditional Uses	10,000	60'	25'	(1)	35'	35'	35%
Accessory Uses	-	-	50'	10'	10'	17'	10% (2)

1. Side yard setback shall be seven (7) feet for single story structures and eight (8) feet for taller structures.
2. Provided total area of accessory **structures** for single family does not exceed **10% of lot area up to a maximum of 1200 sq. ft. and the total lot coverage of all buildings does not exceed 35%**. (amended Ord 758, 4/14/04 & Ord. 781 3/8/06)
3. The side yard setbacks of the non-connecting walls of single family attached or townhouses shall be seven (7) feet for single story structures and eight (8) feet for 1 ½ to two story structures; connecting walls shall have 0' setbacks. **(Ordinance 878; 12/12/12)**
4. ~~Corner lots have double front yard setbacks for both attached and detached single family dwellings. (Ordinance 878; 12/12/12)~~ **The street side yard setback on corner lots shall be 15' (fifteen feet) from the property line on the non-address side. (Ord. 890; 04/10/13)**
5. **Front yard setback in Prairie Ridge R-1/PUD zoning district shall be 15' (Ord. #906; 12/11/13)**

5.07.06 *Use Limitations:*

1. ~~A 1 to 1 1/2 story single family dwelling with no basement, split level or multi level with less than five (5) feet between floors shall have a minimum of 1,000 square feet of floor area on one level exclusive of garages and attached accessory floor area.~~
2. ~~Other split level or multi level dwellings must have a minimum of 750 square feet of floor area on the floor nearest grade level. (Ordinance 878; 12/12/12)~~
1. Single Family Attached, Townhouses and 1 to 1 ½ story single family dwellings, split-level or multi-level with less than five (5) feet between floors shall have a minimum of 1,000 square feet of floor area on one level exclusive of garages and attached accessory floor area. **(Ordinance 878; 12/12/12)**

Section 5.08 R-2 Multiple-Family Residential District

5.08.01 *Intent:* The purpose of the Medium Density Residential District is to permit single-family residences at a medium density with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 *Permitted Uses:*

1. Boarding and Lodging houses.
2. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
3. Single Family attached dwellings.
4. Two Family dwellings.
5. **Multiple Family dwellings. (Ordinance 980; 11/14/18)**

5.08.03 *Permitted Conditional Uses:*

1. Bed and Breakfast.
2. Broadcasting tower, pursuant to Section 7.10.
3. Mortuaries and funeral homes.
4. ~~Multiple Family dwellings.~~ **(Ordinance 980; 11/14/18)**
5. Private clubs, lodges, and fraternities.
6. Professional offices.

5.08.04 *Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted and conditional uses, including satellite dishes, provided, however, that no metal sided buildings over one hundred forty four (144) square feet in size shall be allowed except for detached garages sided in a manner similar to a dwelling already on the property.
2. Home occupation, pursuant to Section 7.09.
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5. Signs pursuant to Sections 7.06 through 7.08.
6. Parking pursuant to Sections 7.01 through 7.05.
7. Fences pursuant to Section 7.11.

5.08.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows:

Use	Lot Area (sq. ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single Family Detached	6,000	60'	25'	(1)(3)	35'	35'	35%
Single Family Attached (per unit)	3,000	60'	25'	(1)(3)	35'	35'	35%
Two Family	6,000	70'	25'	(1)(3)	35'	35'	35%
Multiple Family	3000 per unit	70'	25'	(1)(3)	35'	35'	35%
Other Permitted Uses	8,000	75'	25'	10'	35'	45'	50%
Permitted Conditional Uses	8,000	75'	25'	10'	35'	45'	50%
Accessory Uses	-	-	50'	10'	10'	17'	10% (2)

1. One story building: seven feet (7'); Two or more stories: eight feet (8').
2. Provided total area of accessory structure for single family does not exceed 900 sq. ft. and the total lot coverage of all buildings does not exceed 35%.
3. **The side yard setback on corner lots shall be 15' from the property line on the non-address side. (Ord #939; 01/13/16)**

lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

Section 4.13 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

- 4.13.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; cantilevers and/or fireplaces not more than 24 inches into the required yard, are permitted in all yards.
- 4.13.02 *All Yards:* Terraces, patios, uncovered decks, and ornamental features which have no structural element more than three (3) feet above or below the adjacent ground level may project six (6) feet into a required front yard, four (4) feet into a required side yard, or ten (10) feet into a required rear yard. Uncovered decks that are on the first floor level, but exceed three (3) feet above the adjacent ground, may project ten (10) feet into the required rear yard. Awnings may project six (6) feet into a required front or rear yard and four (4) feet into a required side yard. However, all projections must be set back at least three (3) feet from an adjacent side lot line; or twenty feet (20) from any street property line.
- 4.13.03 *Front Yards:* Bay windows projecting three feet or less into the yard are permitted. Also permitted are open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch; and awnings and canopies provided they do not extend or project into the yard more than six (6) feet.
- 4.13.04 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems (in existing developments), extending not more than four (4) feet into the yard are permitted.
- 4.13.05 *Double Frontage Lots:* The required front yard shall be provided on the narrow side of a corner lot and on the front door side of a through lot. The minimum rear setback of a lot may be reduced to 10 (ten) feet when a boundary along one of the dedicated streets has been patted as the rear lot line and when a screening fence approved by the City as to location and height, is erected along the rear lot line.
- 4.13.06 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.14 Accessory Building and Uses

- 4.14.01 No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building, except in the AR District. No accessory building shall be used for more than six months unless the principal building on the lot is also being used or unless the principal building is under construction, except in the AR District; however, in no event shall any such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.14.02 No detached accessory building or structure shall exceed the maximum permitted height of the district.
- 4.14.03 No accessory building shall be erected in or encroach upon the required street side yard on a corner lot or the front yard of a double frontage lot.
- 4.14.04 Outdoor swimming pools and bathing facilities on residential properties are considered accessory structures and shall meet appropriate setbacks and sides of the pool deck/apron shall be located at least four feet from any lot line.
- 4.14.05 Detached accessory buildings or structures shall be located no closer than 10 feet to any other accessory or principal building as provided in the local building code.
- 4.14.06 All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in the AR and RT Districts.
- 4.14.07 All accessory buildings shall be to the rear of the principal structure unless otherwise specified.
- 4.14.08 Detached garages and outbuildings in Residential Districts, except for the AR District, for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of materials customarily used in residential construction and be consistent with materials and color of the principle structure. The roofs of said building shall have a minimum 3:12 pitch. Metal roofing and vertical metal siding are not permitted. Such structures shall be enclosed on at least three sides. Carports and portable storage containers are not permitted, unless provided for in these regulations.
- 4.14.09 The side or rear yard setback for an accessory structure having vehicular access through said yard to an alley, public street, private road, or ingress/egress easement shall be a minimum of 15 feet.
- 4.14.10 In the R-87, R-50, R-30 and RB Residential Districts, a maximum of two accessory structures shall be allowed
 - 1. Detached garages shall count as one accessory structure, with a maximum allowable size of 720 square feet.

2. Garden sheds shall count as one accessory structure, with a maximum allowable size of 144 square feet.
- 4.14.10 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 4.15 Permitted Modifications of Height Regulations

4.15.01 The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television
Conveyors	Towers less than 50 feet in height
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices

4.15.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.16 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 4.17 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this ordinance.

Section 4.18 Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.19 Non-conforming Structures

- 4.19.01 **Authority to continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.19.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in

12. Livestock provided there is a maximum of one Animal Unit per acre for every acre over the three acre minimum.

5.06.06 *Height and Lot Requirements:*

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (acres)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Residential Uses	3	220	50	15	50 ⁴	35	35%
Other Uses	3	220	50	15	50 ⁴	35	40%
Accessory Uses	-	-	75	5	5 ¹	* ³	* ²

¹ See Section 4.12.04

² See Section 4.12.07

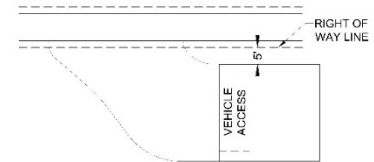
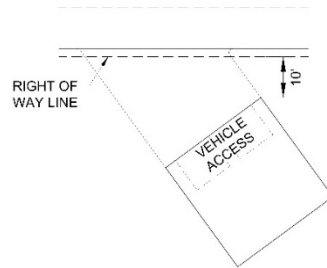
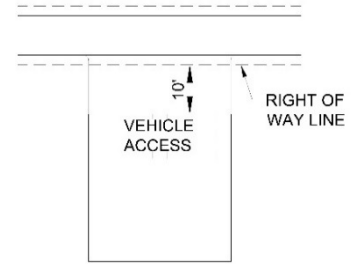
³ Maximum height of Accessory buildings shall not exceed the height of the Primary structure.

⁴ See Section 4.22

- 4.11.04 *Double Frontage Lots*: The required front yard shall be provided on each street.
- 4.11.05 *Building Groupings*: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.12 Accessory Building and Uses.

- 4.12.01 No accessory building shall be constructed upon a lot prior to beginning construction of the principal building. In no event shall an Accessory Building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.12.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure or as designated in each individual zoning district.
- 4.12.03 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.12.04 Detached garages shall not be located less than 10 feet from the Rear Lot Line when the garage is entered from an alley and vehicular entrance door is oriented toward the alley. Setback may be reduced to 5 feet if the vehicular entrance door is perpendicular to the alley and the garage is entered parallel to the alley.
- 4.12.05 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than six feet if said accessory building or structure creates a fire hazard or would subject the residential structure to potential fire, such as a detached fireplace, barbecue ovens, flammable liquid storage or similar use.
- 4.12.06 Accessory buildings that are 576 square feet or less in total area may use a concrete "monolithic floor slab" in accordance with local building codes.
- 4.12.07 Accessory uses located in the LLR Large Lot Residential District shall have a combined maximum square footage of 2,400 square feet, but in no case shall have more than the footprint of the primary structure on a three-acre lot. Lots of more than the minimum three acres may be allowed accessory building space above the applicable maximum, equal to one percent of additional lot size (434 additional square feet per full acre). Where additional lot size is used to calculate accessory building size above the maximum, no subdivision or splitting of the lot area used for calculation shall be permitted. Accessory buildings in LLR District may be of pole type construction.
- 4.12.08 Carports provided they are attached to a permanent foundation.
- 4.12.09 Detached garages and outbuildings in Residential Districts (R-1, R-2, R-3 and NRC) for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of materials customarily used in residential construction, as provided herein:
1. Shall be constructed of materials that are in good repair,
 2. The sidewalls of said building shall not exceed 10 feet in height,
 3. Garages shall have an overhang of at least six inches,
 4. Garages shall have a maximum width of 36 feet,
 5. Garages shall be framed, constructed and finished in materials customary to and consistent in appearance with residential construction.
 6. Post-framed buildings for accessory use must have a minimum of forty-two inch footing depth for the poles.
 7. Non-glass exterior materials shall be nonreflective.
- 4.12.10 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.



3. Storage of an unlicensed boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required yard.
- 4.12.11 Except on sites where the principal use is a one unit or two unit dwelling, accessory structures located on sites within the Transportation Overlay District will adhere to the Design Standards.

Section 4.13 Through Lots.

4.13.01 Through Lots shall follow the following criteria:

1. Where a Through Lot abuts an arterial or major arterial, as indicated in the Comprehensive Development Plan and access is made from the other frontage street and access along said classification is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.13.01 (1), while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
 - a. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.

Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.14 Permitted Modifications of Height Regulations.

4.14.01 The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio/Television Towers less than 125 feet in height
Conveyors	Cooling Towers
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices
Silos	

Provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district, and structure does not encroach on airport hazard areas for the Wahoo Municipal Airport as depicted in the Nebraska Department of Aeronautics (NDA) zoning map for Wahoo Municipal Airport.

- 4.14.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.15 Occupancy of Basements and Cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

Section 4.16 Non-Conforming, General Intent. It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

5.05.05 *Permitted Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 7.11.
3. Home occupation, pursuant to Section 7.09.
4. Parking pursuant to Sections 7.01 through 7.05.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Sections 7.06 through 7.08.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I

5.05.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Permitted Uses	3	150	(1)	20	40	35	40%
Conditional Uses	3	150	(1)	20	40	35	40%
Accessory Uses / Structures (2)	-	-	(1)	20	40	35	5% (2)

1. Front yard setback shall be 40 feet from the property line or 100 feet from the centerline of a county road with 66 feet of R.O.W, whichever is greater.
2. Accessory buildings shall not exceed the smallest of 3,600 square feet or five percent of the size of the lot; however, in no case shall an accessory building exceed 150 percent of the size of the dwelling. The total coverage for all structures shall not exceed 40 percent.

5.05.07. *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein
2. Only one principal building shall be permitted on one zoning lot except as otherwise provided

5.06.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Residential Dwelling (private well, private septic)	3 acres	150	35	15	30	30 (3)	35	20%
Residential Dwelling (public water, private septic)	1 acre	150	35	15	30	30 (3)	35	20%
Residential Dwelling (public water, public sewer)	20,000 sq. ft.	80	35	15	30	30 (3)	35	20%
Other Permitted Uses	20,000 sq. ft.	80	35	15	30	30 (3)	45	20%
Permitted Conditional Uses	3 acres	100	75	25	30	30 (3)	45	20%
Accessory Uses / Structures	-	-	35 (1), (3)	10 (3)	30	10 (2)	25	5% (2)

1. On lots of 20,000 square feet, the accessory building shall not exceed 1,200 square feet total area. On lots greater than one acre, the accessory building shall not exceed the smallest of 3,600 square feet or five percent of the size of the lot; however, in no case shall an accessory building exceed 150 percent of the size of the dwelling.
2. In the case of an accessory building that exceeds 1,200 square feet in total area, the required front, side, and rear yard setbacks shall be doubled to 70 feet, 20 feet, and 20 feet, respectively.
3. See Section 4.09.05 of this Ordinance.
4. On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street.

5.06.07. *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein
2. Only one principal building shall be permitted on one zoning lot except as otherwise provided

5.07.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Street Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Single Family Detached Residential	8,500	60	30	7	35 (3)	25	35	35%
Single Family Attached Residential (per unit)	4,250	30	30	10 (5)	35 (3)	25	35	35%
Two Family Residential	8,500	60	30	10	35 (3)	25	35	35%
Other Permitted Uses	8,500	60	30	10	35 (3)	25	35	35%
Permitted Conditional Uses	8,500	60	30	10	35 (3)	25	35	35%
Accessory Uses	-	-	30	10	10	25	17	10% (2)

1. Side yard setback shall be seven feet for single story structures and eight feet for taller structures.
2. Total area of accessory structure for single family dwellings shall not exceed 1,200 sq. ft. and the total lot coverage shall not exceed 45 percent.
3. See Section 4.09.05 of this Ordinance.
4. On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street.
5. The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

5.07.07 *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein
2. Only one principal building shall be permitted on one zoning lot except as otherwise provided

5.08.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Street Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage
Single Family Detached	6,000	60	30	5	25 (3)	25	35	35%
Single Family Attached and Townhouse (per unit)	3,500	18	30	(1)	25 (3)	25	35	35%
Two Family	6,000	60	30	5	25 (3)	25	35	35%
Multiple Family	1,500 per unit	50	30	5 (2)	25 (3)	25	45	35%
Other Permitted Uses	6,500	50	30	5	25 (3)	25	35	50%
Permitted Conditional Uses	6,500	50	30	5	25 (3)	25	35	50%
Accessory Uses	-	-	30	5	5	25	17	10% (4)

1. The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lotline.
2. The Side Yard Setback shall be 10 feet if the structure is over 30 feet in height
3. See Section 4.09.05 of this Ordinance.
4. Total area of accessory structure for single family shall not exceed 1,200 sq. ft. and the total lot coverage of all buildings does not exceed 45%.

5.08.07 *Miscellaneous Provisions:*

1. Supplementary regulations shall be complied with as defined herein
2. Only one principal building shall be permitted on one zoning lot except as otherwise provided

CITY of ASHLAND, NEBRASKA

APPLICATION FOR CONDITIONAL USE PERMIT

Conditional Use Permit No. 20-34

Address or Location: 203 N. 15th St.

Fee: \$300.00

Receipt No. 29023

HONORABLE CITY COUNCIL
City of Ashland, Nebraska

Date: _____

Under the Provisions of Article 6 of the Ashland Zoning Ordinance the undersigned hereby applies for a Special Permit to: run a bnb from a previous
a existing business.

on the property described as Lot(s) 7-9 Block 17
Addition Flora City Addition Ashland, NE

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows: Bed and Breakfast; educational etiquette programs for youth and young adults.

Petitioner understands that upon approval of the Special Permit, all applicable Plumbing, Heating, Building, or other required Permits shall be obtained prior to the commencement of any work approved by the Special Permit.

Petitioner Address 1717 Silver St. Petitioner Telephone (402) 651-1696

Petitioner Signature Mary E. Berdz Print Mary E. Berdz
Frank V. Buchz

Historical Preservation Meeting Date	<u>N/A</u>	Approved	Denied
Planning Commission Meeting Date	<u>May 28, 2020 7pm</u>	Approved	Denied
City Council Meeting Date	<u>June 18, 2020 7pm</u>	Approved	Denied

Recommendations/Conditions _____

Date Posted _____ Resolution No. _____

CITY OF ASHLAND DOG KENNEL APPLICATION

Applicant Name: Amber & Landan Westling Date: 3-16-20

Applicant Address: 1105 Furnas St

Applicant Phone: 402 813 4052

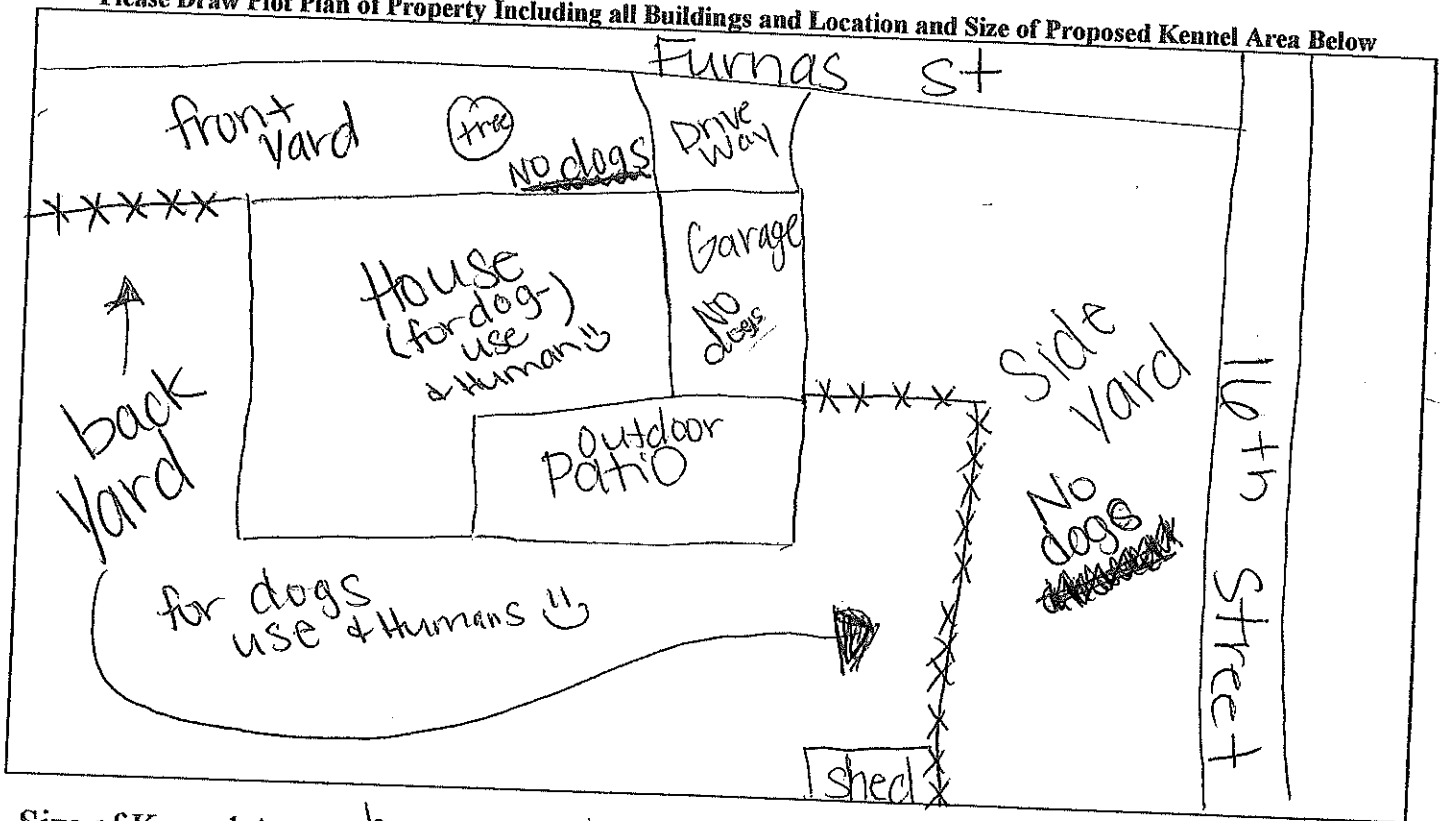
Kennel Location Address: 1105 Furnas St

Number of Dogs to be Kept: 3 Application Fee: \$ 100 Receipt # 27445

Type of Kennel: domestic License Fee: \$ 100 Receipt # 27445

(Domestic or Commercial/Boarding)

Please Draw Plot Plan of Property Including all Buildings and Location and Size of Proposed Kennel Area Below



Size of Kennel Area: house + back yard (fenced)

Type of Fence: wood fence - 4ft

Applicant: Amber Westling
(Signature)

Property Owner: Amber Westling
(Signature)

ACTIONS TAKEN:

PLANNING COMMISSION

Approve/Disapprove

DATE: 5/28/20

Recommendations: _____

CITY COUNCIL

Approve/Disapprove

DATE: _____

Attach Proof of Rabies Shots for all Dogs Confined

Amber & Landan Westling

As of: 01/25/2020

1605 Furnas

Ashland, NE 68003

Acc. No: 3699

Phone 1: (402) 813-4052

Phone 2: None

Reminders for Rusty

			Due Date
141	Rabies Canine 3 Year Booster		06/13/2020
145	Oral Bordetella Booster	<i>Overdue</i>	06/21/2019
406A	Heartworm Test Antigen		01/10/2021
103A	DAP		01/10/2021

Amber & Landan Westling

As of: 01/25/2020

1605 Furnas

Ashland, NE 68003

Acc. No: 3699

Phone 1: (402) 813-4052

Phone 2: None

Reminders for Chance

		Due Date
141	Rabies Canine 3 Year Booster	06/01/2021
103A	DAP	01/13/2021
406A	Heartworm Test Antigen	01/13/2021

Porter Ridge Veterinary Clinic PC
408 Dennis Dean Road
Ashland, NE 68003
402-944-9495

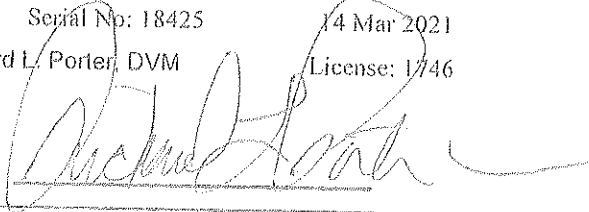
CERTIFICATE OF VACCINATION

Date: 2/20/2020

Amber & Landan Westling	Lettie	12/02/2019
1605 Furnas	CANINE	2 m
Ashland, NE 68003	Mixed	FS
	Black & White	9909
Acct. No: 3699	Richard L. Porter, DVM	10.00 lb
Phone: (402) 813-4052		

Vaccinated For: RABIES CANINE 1 YEAR on: 2/20/2020
Producer: Mer Serial No: 18425 14 Mar 2021
Provider: Richard L. Porter, DVM License: 1746

Veterinarian's
Signature:



CITY of ASHLAND, NEBRASKA

APPLICATION FOR CONDITIONAL USE PERMIT

Conditional Use Permit No. 20-37

Address or Location: 2726 Furnas St

Fee: 0

Receipt No. _____

HONORABLE CITY COUNCIL
City of Ashland, Nebraska

Date: April 20 2020

Under the Provisions of Article 6 of the Ashland Zoning Ordinance the undersigned hereby applies for a Special Permit to: Permit Removal
as required on ordinance 1173, 6-306 section 2.C & Section 3
permitted conditional use on transitional ag tract
on the property described as Lot(s) 1 Block 5
Addition Graham's

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows: _____

Petitioner understands that upon approval of the Special Permit, all applicable Plumbing, Heating, Building, or other required Permits shall be obtained prior to the commencement of any work approved by the Special Permit.

Petitioner Address 2726 Furnas St Petitioner Telephone 402-660-2911

Petitioner Signature Douglas M Mejo Print Douglas M MEJO

Historical Preservation Meeting Date	<u>NA</u>	Approved	Denied
Planning Commission Meeting Date	<u>May 28, 2020</u>	Approved	Denied
City Council Meeting Date	<u>June 18, 2020</u>	Approved	Denied

Recommendations/Conditions _____

Date Posted _____ Resolution No. _____

ORDINANCE 1173

AN ORDINANCE TO AMEND THE FOLLOWING PORTIONS OF THE MUNICIPAL CODE AND ZONING ORDINANCES OF THE CITY OF ASHLAND SO AS TO PERMIT LIMITED DISCHARGE OF SLINGSHOTS, AIRGUNS, BB GUNS AND FIREARMS IN THE TA TRANSITIONAL AGRICULTURAL ZONING DISTRICT TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ASHLAND, SAUNDERS COUNTY, NEBRASKA, THAT THE CITY'S ZONING ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1: That Section 6-306 of the Municipal Code be amended to read as follows:

§6-306 SLINGSHOTS, AIRGUNS, BB GUNS

It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the City, except that such discharge shall be permitted within the TA Transitional Agricultural Zoning District provided the person or entity discharging any such device has received prior written authorization from the City Clerk and a conditional use permit.

SECTION 2: That Section 6-307 of the Municipal Code be amended to read as follows:

§6-307 DISCHARGE OF FIREARMS

(1) It shall be unlawful for any person, except as provided in subsection (3) below, to fire or discharge any gun, pistol, or other fowling piece within the City.

(2) It shall be unlawful for any person to discharge any firearm or weapon using any form of compressed gas as a propellant from any public highway, road or bridge in this state.

(3) Nothing in this Section shall prohibit the discharge of any gun, pistol or fowling piece in any of the following circumstances:

(a) The discharge is by an officer of the law in the performance of his or her official duty;

(b) The discharge is for an officially sanctioned public celebration provided the person or entity so discharging any such firearm has received prior written authorization from the City Clerk; or

(c) The discharge is within the TA Transitional Agricultural Zoning District provided the person or entity discharging any such firearm has received prior written authorization from the City Clerk and a conditional use permit.

SECTION 3: That Subsection C, Permitted Conditional Uses, of Section 5.05, TA Transitional Agriculture District be amended to read as follows:

22. Discharge of slingshots, airguns, BB guns and firearms in accordance with Sections 6-306 and 6-307 of the Municipal Code of the City of Ashland, Nebraska.

SECTION 4: REPEAL OF PRIOR ORDINANCES IN CONFLICT

That all other ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 5: WHEN OPERATIVE

That this ordinance shall take effect after its passage, approval and publication in pamphlet form according to law.

PASSED AND APPROVED this 20th day of February, 2020.

CITY OF ASHLAND
SAUNDERS COUNTY, NEBRASKA

BY: Richard Grauerholz
Richard Grauerholz, Mayor

ATTEST:

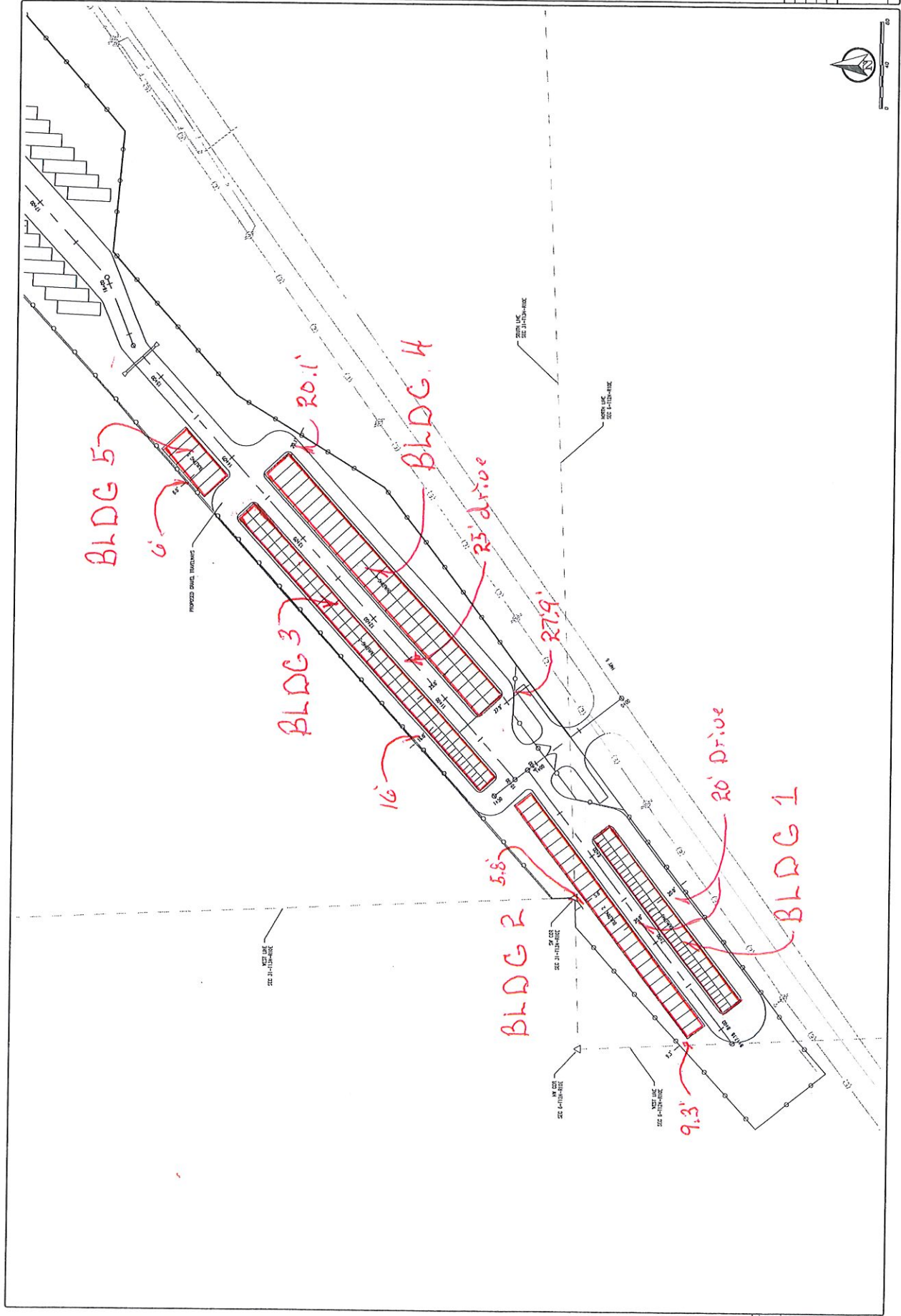
Kathleen Sliva
Kathleen Sliva, City Clerk



NO.	REVISION	DATE	BY

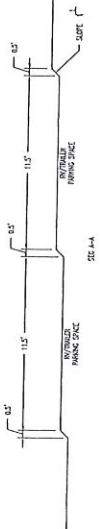
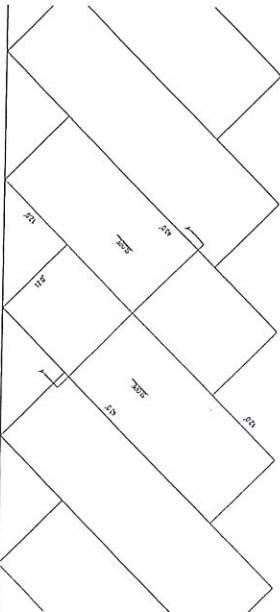
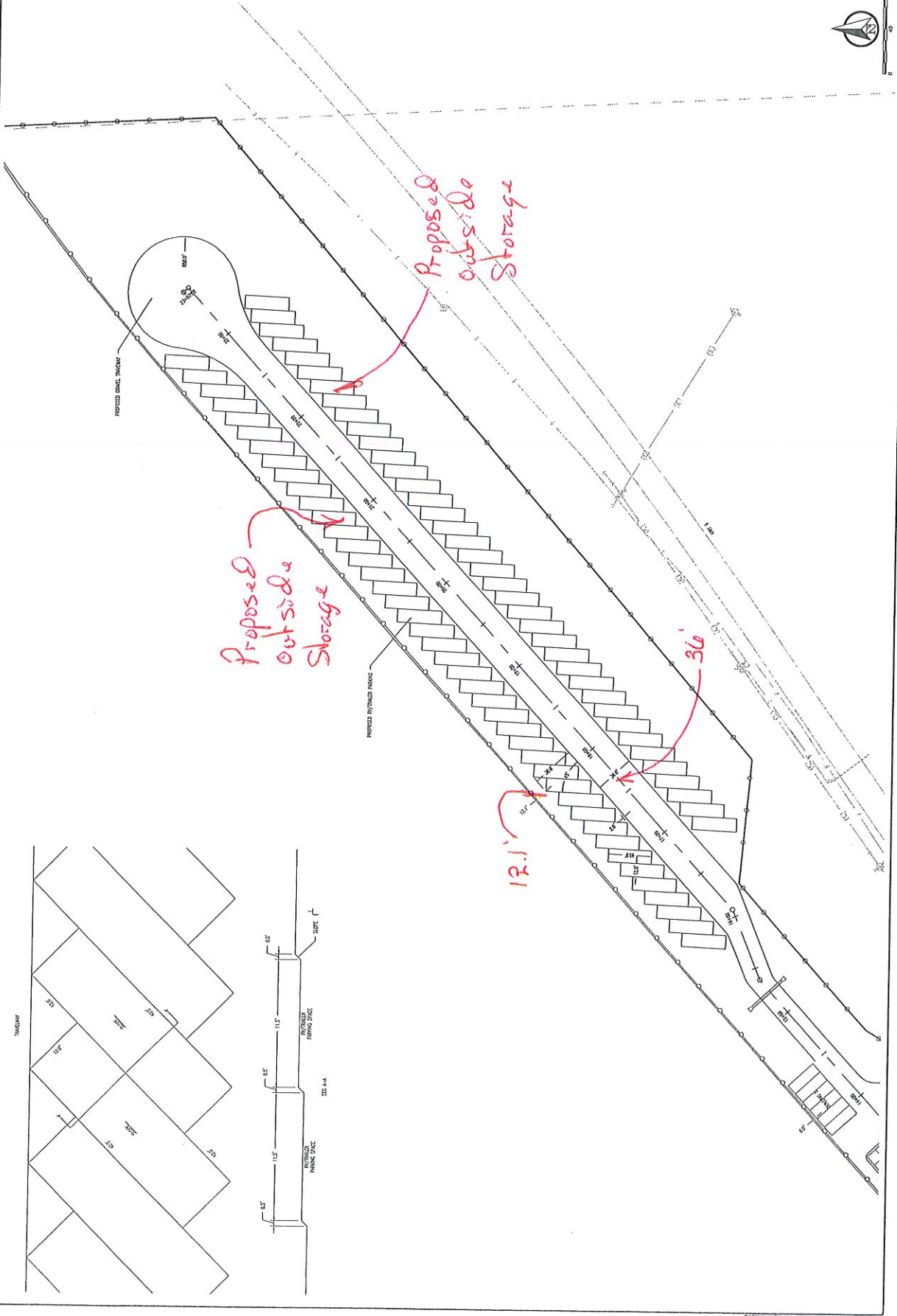
Thomas Keyton
 Ashland, NE Storage Unit Facility
 Site Plan-Storage Units
 Storage Unit Portion

DESIGN: —
 DRAWN: —
 CHECKED: —
 DATE: —
 SHEET NO: 6.0
 TOTAL SHEETS: 77



Rev.	Description	Date	By

Design:	
Draftsman:	CLT
Checker:	
W.C.P.:	10282208
Issue Date:	11/11



APRIL 2020 BUILDING PERMITS

DATE	CO Dep	PERMIT #	NAME	ADDRESS	TYPE OF WORK	COMPUTED CONST. COST	PERMIT FEES
4/2/2020	x	20-25	Dan Beranek	354 N 30th Street	Fence	\$4,816.49	\$123.16
4/3/2020	x	20-26	Trademark Homes	1330 Quarry Circle	New Residence	\$352,000.00	\$2,487.00
4/6/2020		20-27	Handyman for Hire	307 N 14th Street	Re-roof	\$6,000.00	
4/7/2020	x	20-28	Brasch Enterprises	1411 Silver Street	Comm. Remodel	\$45,000.00	\$585.00
4/8/2020	x	20-29	JD Builders	704 Whitetail Run Cr	New Residence	\$290,000.00	\$2,115.00
4/10/2020		20-30	Josh Hohensee	2801 Melrae Rd	Deck	\$2,048.00	\$95.48
4/14/2020		20-31	Gerry Schofield	132 30th Street	Deck	\$2,240.00	\$97.40
4/15/2020		20-32	Ashland Affordable Housing	Lots 11-20 Miller & Clark	Admin. Sub		\$200.00
4/20/2020		20-33	Zoning	Text Change	Text Change		\$0.00
4/22/2020		20-34	Frank & Mary Budz	203 N 15th Street	Conditional Use		\$300.00
4/22/2020		20-35	B Douglas Construction	604 Hwy 6	Remodel	\$20,000.00	\$375.00
4/22/2020		20-36	Amber & Landan Wrestling	1605 Furnas Street	Dog Kennel Appl		\$100.00
4/22/2020		20-37	Douglas M Meyo	2726 Furnas St	Conditional Use		\$0.00
4/22/2020	x	20-38	Belt Construction	1650 E Ridge Way	New Residence	\$400,000.00	\$2,775.00
4/23/2020	x	20-39	Mark Sievert	624 Elm Street	Detached Garage	\$50,000.00	\$525.00
4/27/2020		20-40	Jeff Hofferber (Deck-It)	501 N 13th Street	Deck	\$15,000.00	\$225.00
4/28/2020		20-41	All Pro Heating & Air Cond	1625 Boyd Street	Mech		\$25.00
4/29/2020		20-42	Kory Arnold	504 Fir Street	Deck	\$2,500.00	\$105.00
4/29/1930	x	19-38	Terry Stone	609 Elm Street	New Residence	\$97,000.00	\$954.00
4/29/2020		20-43	City of Ashland	9th & Birch Street	Fence	\$2,972.00	\$0.00
4/29/2020		20-44	Joshua & Erin Rathe	317 N 31st Street	Shed	\$4,941.00	\$124.41
4/29/2020		20-45	Frank & Mary Budz	203 N 15th Street	Fence	\$2,000.00	\$95.00
4/30/2020		20-46	Deb Mayer	2230 Ash Street	Fence	\$2,500.00	\$100.00
Totals						\$1,299,017.49	\$11,406.45