City Council Regular Meeting
Tuesday, August 22, 2023 7:00 PM

Hickman Community Center/City Hall 115
Locust Street, Room 128 Hickman, Nebraska

1. Call to Order

   1.A. This is an Open Meeting of the Hickman Nebraska Governing Body. The City of Hickman abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is on display in this meeting room as required by Nebraska State Law. Notice of meeting and copies of this agenda have been publicly posted prior to the meeting at the Hickman City Hall, Hickman U.S. Post Office, U-Stop Market and the City of Hickman website.

   1.B. Participant Sign-In Sheet Available & Disclosure of Meeting Recording Process Notice Posted.

   1.C. Registered Agenda Speakers: All individuals requesting to be Registered Agenda Speakers must fill out a Registered Speaker Card & submit to Recording Clerk. The Mayor or Presiding Meeting Officer reserves the right to deny this request, or will call you to the podium when your agenda item is ready to be heard. Presentations, if allowed, may be limited to five (5) minutes per person, with a limit of three (3) individuals speaking per topic position. Please come to the podium, and clearly state your name and address for the record and the agenda topic you wish to speak upon in a professional manner. All individuals requesting to hand out documents to City Council Members must deliver them directly to the City Clerk for distribution.

   1.D. The City Council may vote to go into Executive Closed Session on any agenda item as allowed by Nebraska State Law. The Governing Body may be excused and re-enter the City Council meeting room at any time after reconvening open session.

2. Pledge of Allegiance

3. Roll Call

4. Mayor Communications

5. Consent Agenda

   5.A. Approval of August 8, 2023 City Council Meeting Minutes

   5.B. Claims and Accounts Payable Report

5.C. Statement of Accounts and Budget Cash Report as of July 31, 2023

5.D. Monthly City Sales Tax Report

6. Proclamations, Presentations, Appointments, Affirmations & Introductions - None

7. Reports

7.A. Public Works and Parks and Recreation Department

7.B. City Code Violations, Abatements, Nuisances and Permits

7.C. Water Plant Improvements Update

7.D. Wastewater Plant Improvements Update

8. Public Hearings

8.A. Public Hearing concerning an application to the Nebraska Game and Parks Commission for a Recreational Trails Program (RTP) grant. This grant is available to local governments for the development and maintenance of recreational trails and trail-related facilities.

9. Unfinished Business

9.A. Ordinance 2023-11, 2023 City of Hickman Zoning Regulations and Zoning Map (Second Reading)

10. New Business

10.A. Consideration of Letter of Intent for Mixed-Use Development in Hickman, Nebraska by B & R Stores, Inc (Developer)

10.B. Consideration of Certificate of Substantial Completion of Culvert/Underpass Phase of 68th Street & Hickman Road Roundabout Project

10.C. Local Recommendation of Approval for American Legion Post 105 Liquor License Manager Michael A. Lindgren

10.D. Consideration of 9th & Larkspur Street Repairs

10.E. Discussion & Consideration of the Operation & Maintenance of the City's Electrical Infrastructure and functions of City Staff.

10.F. Resolution 2023-14, Application for Federal Assistance from the Recreational Trails Program for the purpose of extending the City's existing trail system.

10.G. Resolution 2023-15, Interlocal Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and City of Hickman for the purpose of providing health regulation and enforcement within the extra-territorial jurisdiction of the City of Hickman.

11. City Administrator's Report

12. Governing Body Comments & Council Correspondence

12.A. League of Nebraska Municipalities 2023 Annual Conference September 27-29, 2023, Lincoln, Ne

13. Meeting Adjournment

MINUTES OF THE HICKMAN CITY COUNCIL MEETING HELD AUGUST 08, 2023

Mayor Phil Goering called the meeting to order at 7:00 pm on August 08, 2023 and referenced the meeting recording process, optional sign in sheet, and open meeting law posting. All those present stood and recited The Pledge of Allegiance. Council Members Chad Parker, John Meese, Steve Noren, Doug Wagner, Justina Ziemann, and Travis Borchardt were present for Roll Call. Prior notice of the meeting and agenda were provided to the Mayor and all members of the Governing Body. Notice of the meeting was distributed and posted at Hickman City Hall, U.S. Post Office-Hickman, U-Stop Market and the City of Hickman Website.

Mayor Communications

Mayor Goering discussed the 4 or 5 power outages over the last two weeks on the east side of town and invited the Public Works Director to give a summary of the current electrical issues. The Public Works Director discussed that all outages are all faults with the old wire that is needing to be replaced in that zone. City Staff are working on getting bids and talking with contractors to get the line replaced. The current faults have been temporarily fixed until the replacement happens. The city is expecting 2-3 weeks for the contractors to get in and start the repairs. There was one incident with full power brown out that was due to a Norris Public Power issue. Council Member Borchardt discussed the age of the wire that is needing replaced was place in1981 and was the plan to replace the entire quadrant. Mr. Borchardt discussed what the long-term plan would be with staff and on-call electrical contracts, would the city hire an electrician or send current staff to school.

Mayor Goering invited Mr. Alan Moser at 636 Main Street to address the Governing Body. Mr. Moser stated that this is not a new issue and that they have had 3 locations dug up at their property. Mr. Moser discussed that during Hay Days on Friday his power went out for 5-6 hours and that on Saturday another section by his house went out 18-21 hours and that the contractor that the city has could not come to town for the repair and that the city should consider someone local for the emergencies. The section of town that is continually going without power is real estate that has been on the Hickman taxes for over one hundred years and needs the city to take care of this section. Mr. Moser stated that he appreciates city staff and Council for working on the issue but wants to see a fix for this issue that has been ongoing for years. Mayor Goering thanked staff for their hard work and apologized to the residents for this electrical issue and said that they will continue to move forward with this repair. No action taken.

Consent Agenda

City Administrator presented and discussed the July 25, 2023 Meeting Minutes, and line-item content of Claims Report with the Governing Body. Motion by Council Member Wagner and a second by Ziemann to approve the consent agenda. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Proclamations, Presentations, Appointments, Affirmations & Introductions

Mayor Goering presented City of Hickman's Zoning Regulations and Zoning Map 2023 Update and invited Heidi Hoglund, Zoning Enforcement Officer and Keith Marvin with Marvin Planning to address the Governing Body. Ms. Hoglund discussed the goal was to increase clarity, to make it clear for anyone who wants to do something with their property and how the updated document will allow them to find the answers more easily. Ms. Hoglund discussed the steps that were taken to update the zoning regulations update and make it clearer. Mr. Marvin discussed the work that was done with the zoning regulations and that the next step is the Comprehensive Plan. No action was taken.

Reports
Planning Commission Member Josh Maurer presented and discussed the Planning Commission Report with the Governing Body. Motion by Council Member Noren and a second by Parker to approve the Planning Commission Report. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Deputy McManis presented the Lancaster County Sheriff's Report to the Governing Body.
Mayor Goering invited agenda topic speaker, Mr. Alan Moser at 636 Main Street to address the Governing Body. Mr. Moser discussed how his property is on a hill where cars fly over the hill from the railroad tracks and the deputy’s that fly over the hill to emergencies are going to hit somebody. Mr. Moser would like the city to reach out Lancaster County Sheriff Department to have the sheriffs slow down over that hill and for the city to add a dangerous intersection ahead sign. Motion by Council Member Borchardt and a second by Wagner to approve the Lancaster County Sheriff's Report. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented and discussed the July 2023 Community Center Report with the Governing Body. Motion by Council Member Ziemann and a second by Meese to approve the Community Center Report. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented the 68th Street & Hickman Road Roundabout Project Report and Project Completion Punchlist with the Governing Body. Mayor Goering invited agenda topic speaker, Mr. Alan Moser at 636 Main Street to address the Governing Body. Mr. Moser discussed that he has 2 curb stops at the end of his alley did not tape over the curb stop cap and it is full of concrete. The Public Works Director stated that they are working on getting those addressed. No action taken.

Mayor Goering presented the Wastewater Plant Improvements Update and the Community Project Funding Letter received from Mike Floods office. No action taken.

Public Hearings
Mayor presented the Public Hearing for Liquor License Application of Hacienda Jalisco, LLC dba Hacienda Jalisco at 1204 Park Drive. The purpose of the hearing is to provide an opportunity for public comment on Liquor License Application for Hacienda Jalisco.
Mayor Goering opened the Public Hearing at 7:44 PM. Daniel Curiel Jr. with Hacienda Jalisco spoke in favor of the Liquor License Application of Hacienda Jalisco. Alan Moser 636 Main Street Hickman Ne spoke in favor of Hacienda Jalisco opening in Hickman. No comments by the public in a neutral compacity or against the Public Hearing. Motion by Council Member Wagner and a second by Parker to close the Public Hearing at 7:18 PM. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented the Public Hearing for 2023 Update to the City of Hickman's Zoning Regulations and Zoning Map. The purpose of the hearing is to provide an opportunity for public comment on the 2023 Update to the City of Hickman's Zoning Regulations and Zoning Map. Mayor Goering opened the Public Hearing at 7:47 PM. No comments by the public for or against the 2023 Update to the City of Hickman's Zoning Regulations and Zoning Map. Motion by Council Member Noren and a second by Wagner to close the Public Hearing at 7:48 PM. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Unfinished Business – None

New Business

Mayor Goering presented Local Recommendation of Approval for Liquor License Application of Hacienda Jalisco, LLC dba Hacienda Jalisco at 1204 Park Drive. Motion by Council Member Wagner and a second by Ziemann to approve the Local Recommendation of Approval for Liquor License Application of Hacienda Jalisco, LLC dba Hacienda Jalisco at 1204 Park Drive. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented Approval of Liquor License Renewal for American Legion Post # 105. The city did not receive any written protests for the Liquor License Renewal for American Legion Post # 105. Motion by Ziemann and a second by Borchardt to approve the Motion to Recommend Approval of Liquor License Renewal for American Legion Post # 105. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering Approval of Liquor License Renewal for Tonya Reese, DBA Hickman Bar & Grill. The city did not receive any written protests for the Liquor License Renewal for Tonya Reese, DBA Hickman Bar & Grill. Motion by Noren and a second by Parker to approve the Motion to Recommend Approval of Liquor License Renewal for Tonya Reese, DBA Hickman Bar & Grill. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented the Request for the Use of City Property for a Church Celebration in Main Park from Redemption Hill Bible Church August 27, 2023 and invited Mr. Mike Weekly at 910 Morning Glory Court to address the Governing Body. Mr. Weekly spoke about the events that will be held in the park and would like to get their name out there and invite everyone to attend. Motion by Council Member Borchardt and a second by Ziemann to approve the Request for the Use of City Property for a Church Celebration in Main Park from Redemption Hill Bible Church August 27, 2023. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented Consideration of Change of Order No. 1 for Ductile Iron vs. PVC Piping for the Water Treatment Plant 2nd Train Project and invited Mr. Craig Reinsch with Olssons to address the Governing Body. Mr. Reinsch discussed that he was asked to work with the contractor and water treatment supplier to find out what the cost would be to replace the PVC materials with ductal iron. The current total project is just under $950,000.00 for the total project with equipment delivered in two months. The cost to change out to the ductal iron for the project from PVC would be $288,550.00 and add one or two months to delivery. Mr. Reinsch spoke on how the current upgrades included adding pressure relief valves to help alleviate transient events. Motion by Council Member Wagner and a second by Parker to deny the proposed Change Order No. 1 for Ductile Iron vs. PVC Piping for the Water Treatment Plant 2nd Train Project. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following

Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented Consideration of Agreement with JEO for Geographic Information System (GIS) and invited Mr. Joe Sather to address the Governing Body. Mr. Sather discussed that they offer a GIS online web-based platform and would be able to migrate the current information into the new software. The GIS would allow staff to use mobile devices to update data out in the field. JEO’s GIS is an ESRI based software. Motion by Council Member Wagner and a second by Borchardt to approve Agreement with JEO for Geographic Information System (GIS). The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented Resolution 2023-13, Signing of the Municipal Annual Certification of Program Compliance 2023 for Nebraska Board of Public Roads Classification, SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2023 Resolution No. 2023-13 Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and **Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification. Be it resolved that the Mayor X village Board Chairperson of City of Hickman is hereby authorized to sign the Municipal Annual Certification of Program Compliance. Adopted this 8th day of August, 2023 at Hickman Nebraska. This is an annual resolution that allows Hickman to receive funding. Motion by Council Member Wagner and a second by Council Member Parker to approve Resolution2023-13. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

Mayor Goering presented Ordinance 2023-11, 2023 City of Hickman Zoning Regulations and Zoning Map.
Council Member Wagner introduced Ordinance 2023-11 and asked City Clerk to read by title, AN ORDINANCE TO ADOPT 2023 ZONING REGULATIONS AND ZONING MAP; AND TO AMEND MUNICIPAL CODE SECTION 10.103; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.
Motion by Council Member Wagner and a second by Ziemann to pass Ordinance 2023-11 on the first reading and to have city staff and Mr. Marvin rectify the changes needed. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

City Administrator's Report – None

Governing Body Comments and Correspondence

Mayor Goering discussed the Notice of Bid Rejection to Altitude Energy, LLC for Hickman Wagon Train Heights Electrical Improvements (SID) attached for review. Mayor Goering discussed a letter received from IMMC congratulating City Clerk on receiving her CMC License, Mayor and Council Members congratulated City Clerk. No action taken.

Adjournment
Motion by Council Member Parker and a second by Ziemann to adjourn the meeting at 8:25PM. The following Council Members voted “YEA”: Parker, Meese, Noren, Wagner, Ziemann, and Borchardt. The following Council Members voted “NAY”: None. Motion passed 6-0.

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Mayor Phil Goering

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Jaala Johnson, CMC, City Clerk

City Council Meeting August 22, 2023
Accounts Payable as of August 21, 2023

Vendor	Memo		Check No.
All Copy Products	INV # AR4023640 - Monthly Printing Services	$337.22	
Bizco Technologies	August 2023 Proofpoint Monitoring Service	$36.00	
Brown, Chelsey	Inv # INV0060 - July 2023 City Hall Monthly Cleaning	$1,250.00	
Chris Snyder, Farm Bureau	Community Center Refund Farm Bureau Canceled Rental 8.31.2023	$100.00	
Culligan of Lincoln	Account 662916 Salt/Water Softener July	$94.00	
Farmers Cooperative	July 2023, Tire Repair, Bulk Fuel, Weed Spray	$1,710.02	
Fish Window Cleaning	Community Center Window Cleaning Inside & Out	$514.67	
Get The Job Done	Inv #5143 - Roll-Off City Wide Clean Up 2023	$1,720.72	
Hawkins, Inc.	Invoice #6551928- Water Treatment Supplies(chlorine)	$10.00	
Hawkins, Inc.	Invoice #6548161 Water Treatment Chemicals & Testing Containers	$749.50	
Hickman True Value	July 2023 - Flag, Tools, Wasp Spray	$51.53	
Jack Jurgens	Repair Concrete @ Post Office to Remove Pole	$200.00	
Kroeker Gubser Devt., LLC	Construction Deposit 2022-174 Refund	$500.00	
Kroeker Gubser Devt., LLC	Construction Deposit 2022-173 Refund	$500.00	
Lancaster County Sheriff's Office	Inv# C3294 - August Contractual Services	$11,339.00	
Lancaster County Sheriff's Office	Inv# C3295 - July 2023 Extra Duty	$1,062.17	
Lovorn, Bobby	Electrical System Consultation	$100.00	
MJ Concrete Concepts, Inc	Inv #62823-9 - Repair Concrete Section Corner Prairie View & Chicory	$16,330.05	
Municipal Supply, Inc. of Omaha	Inv# 0881281 - 3/4 Water Meter, Ball Valve, Meter Coup	$8,800.77	
Norris Public Power	On-Call Repair Electrical System 8.8, 8.10, 8.12.2023	$2,838.25	
Norris Public Power	Acct# 2375 - Utilities - Waste Water Trmt Plant, Sewer Dept. Water Plant & Wells, Water Dept.	$5,571.80	
Norris Public Power	Acct# 0214782000 - July 2023 Wholesale	$139,905.79	
Office Depot Credit Plan	Paper & Name Plate	$163.45	
Olsson	Inv# 465847- Project # B20-31290 T. View 5th Addition Construction Services	$4,016.99	
One Call Concepts, Inc.	Inv# 3070146- July 2023 Diggers Hotline Notifications, Elec Dept.	$61.02	
PrimeTime Sporting Goods	2023 BRL Baseball Pants (115)	$1,380.00	
The Home Depot Pro	Inv# 758865224 - Cleaner, Soap, Liners, & Paper Towels	$164.33	
Wheel-N-Deal Auto Sales, Inc	July 2023 - Repair Pully, Belt, & Battery	$421.75	
TOTAL		**$199,929.03**	

City Council Meeting August 22, 2023
Accounts Payable as of August 21, 2023

Vendor	Memo	Payment	Check No
Ameritas Life Ins., Corp.	Employee Pension Plans	$4,372.90	ACH
ICMA Mission Square	Employee Retirement Contribution	$557.50	ACH
IRS	Payroll Taxes	$8,626.57	EFTPS
Nebraska Department of Revenue	Income Tax	$6,634.40	ACH
Nebraska Department of Revenue	Local Sales & Use Tax	$16,307.23	ACH
Payroll Distribution (Net Pay)	City Staff 08.11.2023	$28,381.84	ACH
State of NE & Erin M McCartney	Employee Liabilities	$727.85	ACH
Quadient Finance - Neofunds - Postag	Acct # xxxx8315 - Postage, Water/Electric/Sewer Dept.	$600.00	ACH
United Healthcare Insurance Company	September 2023 Employee Premiums	$398.42	ACH
Unum	September 2023 Employee Premiums	$230.75	ACH
Wells Fargo - VISAxxx4676	Prof. Development, Background Check	$702.44	ACH
Wells Fargo - VISAxxx8509	Subscriptions, Prof. Development, Supplies	$1,017.05	ACH
Windstream	Acct# xxxx2029 - City Office Phone & Internet	$888.29	ACH
Windstream	Acct# xxxx9419 - Wastewater Treatment Plant Phone	$101.96	ACH
TOTAL		**$ 69,547.20**	
TOTAL CLAIMS REPORT		**$ 269,476.23**	

Reviewed and Approved on August 22, 2023

MayorPhil Goering

Council Member Ziemann

Council President Wagner

Council Member Noren

Council Member Parker

Council Member Borchardt

Council Member Meese Jr.

CITY OF HICKMAN
BUDGET CASH REPORT
As of July 31, 2023

Fiscal Year Completed:
83.33%

	July Receipts	July Expenditures	Expenditures to Date	Expenditures Budget	Budget Available	% of Budget Spent
GENERAL FUND	140,093.04	83,729.60	1,041,651.40	1,046,535.00	4,883.60	99.53%
STREET FUND	34,953.40	47,392.70	2,063,721.74	2,642,338.00	578,616.26	78.10%
WATER FUND	85,918.62	74,705.81	727,496.46	2,355,795.00	1,628,298.54	30.88%
ELECTRIC FUND	166,057.42	214,717.55	1,335,786.04	1,920,063.00	584,276.96	69.57%
SEWER FUND	71,425.98	99,824.19	712,798.01	1,925,652.00	1,212,853.99	37.02%
POLICE FUND	0.00	12,317.97	120,540.75	141,063.00	20,522.25	85.45%
PARK FUND	12,410.00	13,755.72	166,443.39	254,843.00	88,399.61	65.31%
TOTAL FUNDS	510,858.46	546,443.54	6,168,437.79	10,286,289.00	4,117,851.21	**59.97%**

DEBT SERVICE	Principal Balances as of 10/01/22	July Expenditures	Loan Payments to Date	Expenditures Budget	Budget Available	% of Budget Spent
2017 SEWER GO REFI	1,325,000.00		238,132.50	238,132.50	0.00	100.00%
2021 WATER GO REFI	1,265,000.00		149,057.50	149,057.50	0.00	100.00%
NDEE #317887 CLEAN WATER UV	458,680.23		45,150.13	45,150.13	0.00	100.00%
2018 ELEC/SEWER REFUNDING BOND	940,000.00	148,131.25	161,262.50	161,262.50	0.00	100.00%
2018 ELEC/SEWER NEW REVENUE (T.View)	1,040,000.00		62,795.00	80,590.00	17,795.00	77.92%
2021 COPS (Community Center)	3,190,000.00		142,558.75	174,897.50	32,338.75	81.51%
TOTAL DEBT SERVICE	8,218,680.23	148,131.25	798,956.38	849,090.13	50,133.75	
TIF LOANS						
AUTO CENTER	7,052.56		3,080.24	3,080.24	0.00	100.00%
FORMER SCHOOL HOUSE	10,971.68		4,792.00	4,792.00	0.00	100.00%
TOTAL TIF LOANS	18,024.24	0.00	7,872.24	7,872.24	0.00	

UTILITY ENTERPRISE		July BILLING	REVENUE TO DATE	% of Budget Met
ELECTRIC		163,037.25	1,412,866.95	89.09%
WASTEWATER		68,855.60	658,691.30	95.97%
WATER		80,303.94	582,648.34	112.71%
MISC (ie: SERVICE CALL, RETURNED CHECK FEE)		187.93	2,153.55	-
TOTAL UTILITIES		312,384.72	2,656,360.14	95.24%
	1-Jul	Monthly In/Out	31-Jul	
CUSTOMER DEPOSITS	85,198.26	1,700.00	86,898.26	

City of Hickman
Statement of Cash Bank Accounts
FY2022/2023

Account #	Account Name	May 2023	June 2023	July 2023
	Cash on Hand	$200.00	$200.00	$200.00
	Cash on Hand - Reading Centre	$0.00	$0.00	$0.00
…8760	General Fund Checking	$1,124,741.06	$1,161,651.07	$1,069,424.96
…1586	Linear Park Fund	$9,948.75	$9,948.75	$9,948.75
…7412	Reading-Tech & Historical Center	$3,605.16	$3,605.16	$3,605.16
…4500	Arts Council	$3,116.59	$3,116.59	$3,116.59
…2843	Keno Revenue	$84,434.58	$89,086.44	$90,444.42
…7578	Electrical Reserve (Baylor Heights Reserve)	$74,072.75	$74,087.97	$74,103.70
…0938	TIF Account	$630.84	$630.84	$630.84
…0863	Parks & Recreation Activities	$38,271.39	$34,281.39	$43,053.35
…7420	Debt Service Reserve (CURR Series 2018 Bond Reserve)	$155,928.07	$156,024.19	$156,123.58
…7479	Sewer Reserve Acct	$60,666.41	$60,678.88	$60,691.76
…2883	CUR Revenue Series 2018 (Terrace View Reserve)	$275,649.46	$275,930.40	$276,221.00
…4664	Street Sinking Fund	$205,575.36	$205,659.84	$205,747.18
…5333	Sales Tax Revenues	$816,898.42	$864,734.26	$923,538.04
…0215	GO Water Revenue 2023	$1,506,358.66	$1,508,810.10	$1,511,347.38
	Total Funds Available	$4,360,097.50	$4,448,445.88	$4,428,196.71

…7404	Hickman Area Economic Dev. Association	$23,484.27	$22,284.27	$25,941.97
	Total HAEDA Funds Available	$23,484.27	$22,284.27	$25,941.97

NEBRASKA DEPARTMENT OF REVENUE

LOCAL OPTION SALES AND USE TAX

REMITTED TO CITIES

COLLECTION MONTH*	SALES/USE TAX	CONSUMERS USE TAX	SALES TAX ON MOTOR VEHICLES	CURRENT MONTH'S REFUNDS TO TAXPAYERS	3% ADMIN FEE	ALLOCATION TO CITY	***SETTLEMENT AMOUNT	NEXT MONTH'S REFUNDS TO TAXPAYERS	**SETTLEMENT DATE
AUGUST	54,370.04	216.10	10,428.31	0.00	(1,637.58)	52,948.56	52,948.56	0.00	10.21.2022
SEPTEMBER	58,211.07	(122.83)	9,977.08	0.00	(1,742.65)	56,345.59	56,345.59	0.00	11.22.2022
OCTOBER	47,162.43	635.82	9,953.93	0.00	(1,433.95)	46,364.30	46,364.30	0.00	12.22.2022
NOVEMBER	43,383.57	633.86	10,032.61	0.00	(1,621.50)	52,428.54	52,428.54	0.00	1.23.2023
DECEMBER	41,490.83	1,366.86	10,496.61	0.00	(1,600.63)	51,753.67	51,753.67	0.00	2.22.2023
JANUARY	36,800.15	255.49	9,133.75	0.00	(1,385.68)	44,803.71	44,803.71	0.00	3.22.2023
FEBRUARY	36,404.00	448.26	11,330.12	0.00	(1,445.47)	46,736.91	46,736.91	0.00	4.22.2023
MARCH	38,924.18	160.19	11,331.55	0.00	(1,512.48)	48,903.44	48,903.44	0.00	5.22.2023
APRIL	34,727.77	332.58	12,861.02	0.00	(1,437.64)	46,483.73	46,483.73	0.00	6.22.2023
MAY	46,106.22	384.54	12,625.50	(28.22)	(1,772.64)	57,315.40	57,315.40	0.00	7.19.2023
JUNE							0.00	0.00	
JULY							0.00	0.00	
TOTALS	437,580.26	4,310.87	108,170.48	(28.22)	(15,590.22)	504,083.85	504,083.85	0.00	

* This is the tax month for which the local option sales and use tax was collected by retailers or paid by taxpayers.

**This is the date that payment will be electronically deposited into the bank account.

***This is the amount of the payment that will be received after refunds to taxpayers and administrative fees have been deducted.

TOTAL SALES TAX (RESTRICTED FUNDS)

Register: 104.1 · Cash in Bank - SALES TAX REVENUE

Date	Number	Payee	Memo	Payment	Deposit	Balance
9/30/2022			FYE2022 Balance			$930,940.53
10/21/2022			Aug 2022 Sales Tax Revenues		$52,948.56	$983,889.09
10/31/2022			Interest		$1,008.27	$984,897.36
11/18/2022			Remaining Oakview Park Expenses	$210,917.09		$773,980.27
11/22/2022			Sept 2022 Sales Tax Revenues		$56,345.59	$830,325.86
11/30/2022			Interest		$935.35	$831,261.21
12/6/2022			Transfer from KENO Acct for Oakview Park Expenses		$50,000.00	$881,261.21
12/22/2022			Oct 2022 Sales Tax Revenues		$46,364.30	$927,625.51
12/30/2022			Interest		$911.13	$928,536.64
1/23/2023			Nov 2022 Sales Tax Revenues		$52,428.54	$980,965.18
1/31/2023			Interest		$1,033.73	$981,998.91
2/22/2023			Dec 2022 Sales Tax Revenues		$51,753.67	$1,033,752.58
2/28/2023			Interest		$1,138.13	$1,034,890.71
3/1/2023			Transfer for Comm Center Bond Pmnts (8/21 to 2/23)	$361,823.06		$673,067.65
3/22/2023			Jan 2023 Sales Tax Revenues		$44,803.71	$717,871.36
3/31/2023			Interest		$875.88	$718,747.24
4/21/2023			Feb 2023 Sales Tax Revenues		$46,736.91	$765,484.15
4/28/2023			Interest		$1,111.99	$766,596.14

Public Work & Parks Department Report

August 2023

Public Works

- 811 Locate Tickets
- Weekly mowing.

Water & Wastewater

- Routine Sampling Water and Wastewater.
- Received Lead and Copper results and mailed them to the home owners as per state regs.

Electric

- We have had 5 outages this month. Ranging from 1hour to 17 hrs in one instance. 4 of the outages were due to faults in our wire. The 5th was birds landing in Norris Sub Station taking out the entire town.
- The areas effected by these faults were south of Hickman Road and west of Locust St. There are 81 residents in this effected area. With the 3 different phases the were not all out at the same time. Some were out more than once.
- We have secured contractors to replace approx. 3750 linear feet of wire. This will start taking place soon with the vac crew coming in this week, the boring crew the following week and electrical contractor just after the holiday (possibly sooner)
- I have approached some high voltage contractors about being our on-call repair people. There is some interest
- Fixed streetlights

Streets

- Installed 35 mph signs from 82nd street west on Hickman Road.
- MJCC replaced the concrete for the intersection of Prairie View Ln and Chicory Ln
- Getting quotes to repair at least 9 panels of concrete in front of 905 Larkspur

Parks

- Dragging parking lots
- Sprayed the Softball field to prep for leveling and sprinkler installation

OPEN CODE VIOLATIONS REPORT

NEW VIOLATIONS **Updated August 21, 2023**

Address	Reason	Date Contacted	Person Contacted	Follow Up Date	Result	Notes
4th Street	pickup with flat tire	7/24/2023	Deputy Sheriff	7/24/2023	action complete	In person complaint of pickup with flat tire sitting on city street. Complaint given to the Deputy for contact with registered owner.
Larkspur Drive	green pool	7/27/2023	Property Owner	8/21/2023	action complete	Online and in person complaint. Green pool water and mowing. Property owner contacted and is keeping up with the mowing and pool is clean.
Woodland & Cyprus	trailer parked on city street	8/2/2023	Sheriff Deputy	8/7/2023	action complete	In person complaint. Deputy contacted register owner of the trailer and it was moved off of the city street.
2nd Street	dog barking	7/26/2023	Concerned Party	8/2/2023	action complete	In person complaint about a barking dog. Directed person to the non-emergency sheriff's number for contact. No further complaints received at the address.
Hickory Street	mowing	8/2/2023	Property Owner	8/7/2023	action complete	Online Complaint. Spoke with the homeowner and he has a medical issue and hired outside help to mow and scheduled for the next day. Property has been mowed.
Sycamore Place	mowing	8/3/2023	Property Owner	8/7/2023	action complete	Online complaint. Tall grass weeds. Junk piled in yard. Portion of fence is down. Property owner mowed and getting fence repaired.
E. 9th	mowing	8/6/2023	Property Owner	8/18/2023	action complete	Online complaint. 2 properties on East 9th Street need to be mowed. Properties were mowed.
Hickory Street	mowing	8/2/2023	Property Owner	8/7/2023	action complete	Online Complaint. Spoke with the homeowner and he has a medical issue and hired outside help to mow and scheduled for the next day. Property has been mowed.
Brentwood	green pool	8/18/2023	Property Owner	8/24/2023	in process	In person compliant about neighbors pool having green water in the kids pool on the driveway. Contact with property owner for compliance.
Autumn Road	dogs running loose	8/18/2023	Sheriff Deputy	8/24/2023	in process	Online Complaint. 3 dogs, not on leashes, approaching walkers in the neighborhood in an aggressive manner.
Hickory Street	noise	8/18/2023	Sheriff Deputy	8/24/2023	in process	Online complaint. Noise from neighboring property. Pool pump is making loud noise.
Address	**Reason**	**Date Contacted**	**Person Contacted**	**Follow Up Date**	**Result**	**Notes**
Orchard Place	Tall grass in backyard	7/17/2023	Property Owner	7/24/2023	action complete	Online complaint. Mowed.
Kristi Lane	Tall weeds on empty lots	7/20/2023	Construction Companies	7/24/2023	in process	In person complaint. One lot on Kristi Lane remains tall. Property owner will mow Tuesday.
Titan Drive	Tall weeds on empty lots	7/21/2023	Construction Company	7/24/2023	action complete	Online and phone complaints received. Lots have been mowed.

20 new single family building permits have been issued to date in 2023 compared to 56 this date 2022; 53 in 2021; 22 in 2020; 20 in 2019.
Location: 6 in Baylor Heights. 11 in Terrace View. 1 in Walters Ridge. 2 in Salt Creek Reserve.

MEMO

☐ Overnight
☐ Regular Mail
☐ Hand Delivery
☒ Other: E-mail

To:	City Council, Hickman, NE
From:	Craig Reinsch, PE
RE:	Water Treatment Plant – 2nd Train Hickman, Nebraska WTP DIP Replacement Consideration
Date:	August 8, 2023
Project #:	022-02777

Summary

The following information was received from the water treatment plant (WTP) equipment supplier (Layne) and installing contractor (MWM Industrial) in regards to the City's request for ductile iron pipe replacement of the existing Schedule 80 PVC piping within the plan.

1. Existing contracts and schedule: $386,000 for MWM and $557,324; total $943,324.
   a. Latest update is to deliver the WTP equipment to the site October 1, 2023
   b. Contractor to start work in September/October 2023

2. DIP cost summary:
   a. MWM costs (existing skid, piping, etc): $161,570 (breakdown provided)
   b. Layne costs (new skid; SCH 80 PVC pipe cut, no deduct): $126,981
      i. Layne schedule adjustment: 1 to 2 months (i.e. delivery in November/December, 2023)

   c. Total: $288,551
   d. Approx. 30.6% of total project cost to add DIP at this stage of the project.

3. General discussion on pros/cons to be provided at tonight's meeting.

Notes:

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601 P Street / Suite 200 / Lincoln, NE 68508
O 402.474.6311 / **olsson.com**

NOTICE OF PUBLIC HEARING ON AN APPLICATION FOR THE RECREATIONAL TRAILS PROGRAM

NOTICE IS HEREBY GIVEN that on **Tuesday, August 22, 2023 at 7:00 p.m.** in the Hickman Community Center/City Hall, the City of Hickman will hold a public hearing concerning an application to the Nebraska Game and Parks Commission for a Recreational Trails Program (RTP) grant. This grant is available to local governments for the development and maintenance of recreational trails and trail-related facilities.

The City of Hickman is requesting $130,216.80 of Recreational Trails Program funds for the construction of a recreational trail extending northeast from Hickman Road to S. 68th St., in addition to the creation of a pedestrian underpass underneath S. 68th St. The primary focus of the project is to extend the City's existing trails and increase safety, accessibility, and inclusivity for any and all pedestrians. The estimated cost of these planned improvements is $162,771.00. If chosen to be a recipient of an RTP grant, the City of Hickman is prepared to provide a match of 20%, or $32,554.20, demonstrating a strong commitment to the substantial enhancement of the community's recreational facilities.

The grant application will be available for public inspection at City Hall. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written and oral testimony will also be accepted at the public hearing scheduled for **7 p.m., August 22, 2023**, at the Hickman Community Center/City Hall, located at 115 Locust St., Hickman, NE 68372. Written comments addressed to Jaala Johnson, City Clerk, at 115 Locust St., Hickman, NE 68372 will be accepted if received on or before August 21, 2023.

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact Jaala Johnson, City Clerk, at 115 Locust St., Hickman, NE 68372, (402) 792-2212, no later than August 21, 2023. Accommodations will be made for persons with disabilities and non-English speaking individuals provided that a six day notice is received by the City of Hickman.

ORDINANCE NO. 2023-11

AN ORDINANCE TO ADOPT 2023 ZONING REGULATIONS AND ZONING MAP; AND TO AMEND MUNICIPAL CODE SECTION 10.103; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HICKMAN, LANCASTER COUNTY, NEBRASKA:

Section 1. That the proposed Zoning Ordinance as prepared for adoption by the City of Hickman, be adopted and titled as Chapter 10 Municipal Planning, Article 1: Comprehensive Plan, Subsection 10.103 Zoning Regulations.

Section 2. That the prior Zoning Ordinance of the City of Hickman is hereby repealed.

Section 3. This ordinance will be in full force and effect from and after its passage, approval, and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED THIS 8th DAY OF AUGUST 2023.

_____
Mayor Phil Goering

ATTEST:

_____
Jaala Johnson, City Clerk

ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title

This Ordinance shall be known, and may be cited and referred to, as the Zoning Regulations of the City of Hickman, Nebraska. This document may be amended, and sections or words repealed, replaced, or added through the passage of additional Ordinances. Collectively the original ordinance and each amending ordinance will be known as "this Ordinance". This document is also commonly known as Zoning Regulations or Zoning Ordinance.

Section 1.02 Purpose

This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Section 1.03 Comprehensive Plan Relationship

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

Section 1.04 Authority

These Regulations are adopted under the authority of Chapter 19 of the Nebraska State Statues, as amended.

Section 1.05 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Hickman, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the map entitled "The Official Zoning Map of the City of Hickman, Nebraska", and as may be amended by subsequent annexation.

Section 1.06 Purpose of Regulations

These Regulations are adopted for the purposes set forth in Nebraska State Statute §19-901, as amended, including:

1. To promote the orderly growth and development of the City in accordance with the adopted Comprehensive Development Plan of the City of Hickman.
2. To promote the health, safety, and general welfare of the community, lessening congestion in the streets, prevent the overcrowding of land, avoid undue concentration of population, provide for light and air, and to facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public improvements.
3. To divide the City into zoning districts with considerations as to the character of each district and its suitability for particular uses, so as to conserve the value of property and buildings and promote the most appropriate use of land throughout the City.
4. To protect historic factors and existing and potential groundwater and drinking water supplies of the City.
5. To assure that proper provision is made for sedimentation control and the control of erosion caused by wind or water.
6. To encourage the development of housing opportunities, including opportunities for multiple dwelling units, consistent with soil types, terrain, and infrastructure capacity.
7. To promote housing choice and economic diversity in housing, including housing for both low- and moderate-income households, and shall encourage the development of housing which will meet identified housing needs.
8. To encourage energy efficient patterns of development, the use of renewable forms of energy, and energy conservation.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

For the purpose of this ordinance, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory. The word "may" is permissive.
4. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
5. The word "commission" shall refer to the Planning Commission of Hickman, Nebraska.
6. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
7. In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

Section 2.02 Abbreviations and Acronyms

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

ADA =	Americans with Disabilities Act
AU =	Animal Unit
CFR =	Code of Federal Regulations
DU =	Dwelling Unit
DNR=	Department of Natural Resources
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
FT =	Foot or Feet
HUD =	US Department of Housing and Urban Development
KV =	Kilovolt
KW =	Kilowatt
NDEE=	Nebraska Department of Environmental and Energy
NDOT=	Nebraska Department of Transportation
NEMA=	Nebraska Emergency Management Agency
NHHS=	Nebraska Department of Health and Human Services
NPDES =	National Pollutant Discharge Elimination System
NRCS =	Natural Resources Conservation Service
SF =	Square Foot or Square Feet
SY =	Square Yard
USC =	United States Code
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture
YD =	Yard

Section 2.03 Definitions

A

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley

ACCESS or ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.

ACCESSORY BUILDING shall mean a building, such as a shed or detached garage, that is incidental to and customarily associated with a specific principal use or building on the same site. An accessory building is an accessory structure. Customary accessory buildings include farm buildings, garages, carports, and storage sheds but not portable storage containers.

ACCESSORY DWELLING UNIT shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single -family structure, also referred to as "Granny Flats".

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

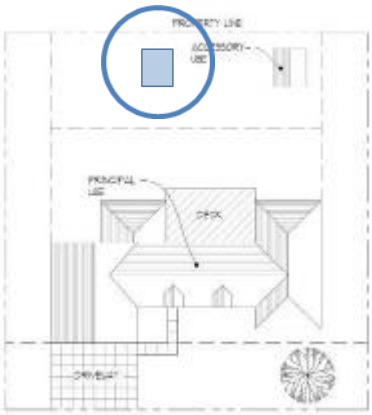
ACCESSORY STRUCTURE shall mean a structure that is incidental to and customarily associated with a specific principal use or building on the same site. Customary accessory structures include fences and swimming pools.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

ACRE shall mean an area containing 43,560 square feet.

ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ADJACENT shall mean having lot lines or district boundaries in common, including property separated by a public street or alley; used interchangeably with "abutting or contiguous.



Accessory Building
Accessory Use



Example of Accessory Dwelling



Example of an Accessory Use

ADVERSE EFFECT shall mean a zoning ordinance or zoning decision that has a material effect on neighboring properties or use of neighboring properties including, but not limited to property values, rights of way, easements, setbacks, or height and area of structures.

ADVERTISING STRUCTURE shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

AGENT OR OWNER shall mean any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.



Example of an Agricultural Cooperative Production/ Distribution Facility

AGRICULTURAL CHEMICAL USE shall mean the storage, application or use of chemicals, fertilizers, petroleum for agricultural purposes (not for resale).

AGRICULTURAL COOPERATIVE PRODUCTION/DISTRIBUTION FACILITY: shall mean any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides and grain. This includes the offices, scales and parking areas necessary for trucks and other vehicles.

AGRICULTURAL OR FARM BUILDINGS shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURAL INDUSTRIES shall mean establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies that cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

AGRICULTURAL PROCESSING PLANT shall mean a facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. May include warehousing and packaging as secondary uses.

AGRICULTURAL RELATED PROCESSING AND MARKETING shall mean those commercial activities which provide direct primary support to the farm community, including, but not limited to feed, fuel, agricultural chemicals, farm supply sales and repair, custom butcher shop, and animal health. Agricultural related processing and marketing shall not be construed to include farm markets as defined herein.

AGRICULTURAL RESEARCH FARM shall mean a demonstration farm, or model farm, is a farm which is used primarily to research or demonstrate various agricultural techniques.

AGRICULTURAL SALES AND SERVICE shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.



Example of an Agricultural Sales and Service

AGRICULTURE shall mean the use of land for agricultural purposes, for obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.



Example of Agriculture

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

ALTERATION shall mean any change, addition or modification to the construction or occupancy of an existing structure.

ALTERATION, HISTORICAL shall mean any act or process that changes one or more of the exterior architectural features of any landmark or property within a landmark district, exclusive of interior renovation or remodeling. Alteration includes demolition of a landmark or property within a landmark district or new construction within a landmark district.

AMENDMENT shall mean a change in the wording, context, or substance of this Ordinance, or an addition, deletion or change in the district boundaries or classifications upon the Official Zoning Map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

ANIMAL, DOMESTIC see Household Pet.

ANIMAL FEEDING OPERATION (AFO): shall mean any farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 1,000 Animal Units as defined below. The confined area of the AFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in



Example of Agricultural Feeding Operation

conformance with applicable county, state, and federal regulations. Two or more AFO's under common ownership are deemed to be a single AFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes. Each operation type shall be classified in one of four levels according to total number of A.U. in the operation at any one time. Levels will include:
Class I Facility = 301-1,000 animal units;
Class II Facility = 1,001-5,000 animal units;
Class III Facility = 5,001-10,000 animal units; and
Class IV Facility = 10,001 or more animal units.

AFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

ANIMAL GROOMING SERVICE: shall mean any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

ANIMAL HOSPITAL shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL HUSBANDRY shall mean the branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.

ANIMAL SHELTER shall mean a place where stray, lost, abandoned or surrendered animals – mostly dogs and cats – are housed temporarily.

ANIMAL UNIT shall mean any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than 6 months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the Animal Feeding Operation (AFO) shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more AFO's under common ownership are deemed to be a single AFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:
One (1) A.U. = One Cow/Calf combination;
One (1) A.U. = One Slaughter, Feeder Cattle;
One (1) A.U. = One-half Horse;
One (1) A.U. = Seven Tenths Mature Dairy Cattle;
One (1) A.U. = Two and One Half Swine (55 lbs. or more);
One (1) A.U. = Twenty-Five Weaned Pigs (less than 55 lbs.);
One (1) A.U. = Two Sows with Litters;

One (1) A.U. = Ten Sheep;
One (1) A.U. = One Hundred Chickens;
One (1) A.U. = Fifty Turkeys;
One (1) A.U. = Five Ducks.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

ANTIQUE SHOPS shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least 30 years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.



Example of an Apartment Complex

APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than two households.

APARTMENT HOUSE see Dwelling, Multiple.

APIARY a place where bee colonies are kept.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a Conditional use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or their legal representative in writing except for building permits.

APPROPRIATE shall mean fitting the context of the site and the whole community.



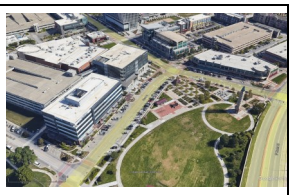
Example of Aquaculture
Source: www.bing.com

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

AQUACULTURE shall mean land and/or buildings devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

ARBORETUM shall mean a place where trees, shrubs, and herbaceous plants are cultivated for scientific and educational purposes.

ARBORIST shall mean an individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Architectural Concept			
Lines			
Mass			
Texture			
Architectural Style			

ARCHITECTURAL APPEARANCE shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

ARCHITECTURAL CHARACTER see Architectural Concept

ARCHITECTURAL COMPOSITION shall mean the scale, height, mass, proportion, color, form, style, detail, treatment, construction material, and roof design of a project or building.

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL CONCRETE PANELS shall mean precast panels with etched or exposed aggregates, scored or inlaid patterns with definition, inlaid thin brick, inlaid

architectural concrete block and stone texture and accents. Standard tooled and water/air-blasted concrete finish does not meet this definition.

ARCHITECTURAL CONCRETE UNITS shall mean concrete masonry units of standard mix, design, and density with a modified face exposure of a scored pattern, flute, or rock texture. Integral color, marbled color, solid high glaze color patterns and ground faces (exposed aggregate) are part of this definition.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **Lines:** visual elements of the building, either within the façade or on the building edge, which are in linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **Mass:** volume or bulk of a building or structure.
3. **Texture:** the quality of a surface, ranging from mirror finish, smooth, to course and unfinished.

ARCHITECTURAL PROJECTIONS shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall or a building but shall not include signs.

ARCHITECTURAL STYLE shall mean the characteristics form and detail, as of buildings of a particular historic period.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ATHLETIC FIELD shall mean a piece of land prepared or used for practicing or playing a game.

ATTACHED shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

ATTACHED PERMANENTLY shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.



Example of a Stand-alone ATM

AUCTION FACILITY shall mean an indoor area for the buying and selling of assets, such as but not limited to works of art and collectibles with price bidding.

AUTO BODY REPAIR shall mean the Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

AUTO SERVICES shall mean the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, but excluding dismantling, salvage, or body and fender repair services.

AUTOMATIC TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE RENTAL AND SALES shall mean sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

AUTOMOTIVE AND MACHINERY REPAIR SHOP shall mean a building used for the repair of motor vehicles or machinery, when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

AUTOMOTIVE SALES AREA shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Nebraska, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

B

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

BARN shall mean an accessory structure upon a lot customarily used for the housing of livestock or for the storage of crops or machinery used in bona fide agricultural activities.

BARN, POLE shall mean a nonresidential structure where wooden post and beam act as the main structural support for roof and walls. No concrete/masonry support under posts; walls and roof covered with metal skin.

BASE FLOOD shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BASE ZONING DISTRICT shall mean a district established by this Ordinance that prescribes basic regulations governing land use and site development standards.

BASEMENT shall mean the substructure or foundation of a building, the lowest habitable story of a building, usually below ground level. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

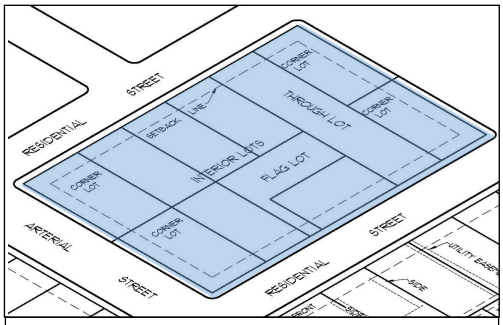
BED AND BREAKFAST INN shall mean a dwelling that is used for the purpose of offering overnight lodging and meals to travelers for a fee which dwelling has unique structural and/or site characteristics which create the appearance of an Inn type setting. Such dwelling shall have a maximum of six guest rooms available for travelers lodging and no more than 12 guests may stay at any time. Guests who stay at the bed and breakfast shall not remain for a period of more than 30 consecutive days.

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

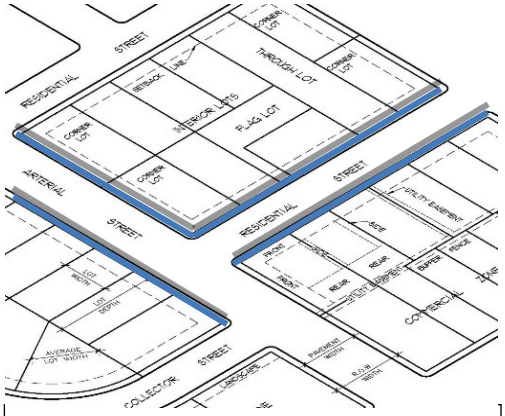
BEER GARDEN shall mean a permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.



Example of Big Box Retail Store
Source: Google Earth



Example of a Block



Example of Block Frontage

BEGINNING OF CONSTRUCTION shall mean that site grading is the beginning of construction.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not the interest of the immediate neighborhood.

BIG BOX RETAIL shall mean a singular retail or wholesale user. These uses typically include membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.

1. ***Large Big Box Retail*** shall mean a big box retail establishment occupying no less than 200,000 sf of gross floor area
2. ***Medium Big Box Retail*** shall mean a big box retail establishment occupying no less than 120,000 square feet of gross floor area.
3. ***Small Big Box Retail*** shall mean a big box retail establishment occupying no less than 40,000 square feet of gross floor area.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.

BOARD OF ADJUSTMENT shall mean that Board that has been created by the City, and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a building other than a hotel or motel but containing a single dwelling unit and provisions for three but not more than 20 guests, where lodging is provided with or without meals for compensation.

BOTTLING shall mean a facility for filling and sealing beverages in a bottle.

BOUNDARY see Corporate Boundary, plat boundary, building boundary, district boundary.

BREEZEWAY: shall mean a roofed open passage connecting two otherwise detached buildings. Breezeway connections shall not be construed to alter the detached status of the buildings so connected.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless

the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging shall not exceed 25 percent of the total floor area of the commercial space. Also see Brewery, Craft.

BREWERY shall mean a facility for brewing ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 20,000 barrels of beverage (all beverages combined) annually.

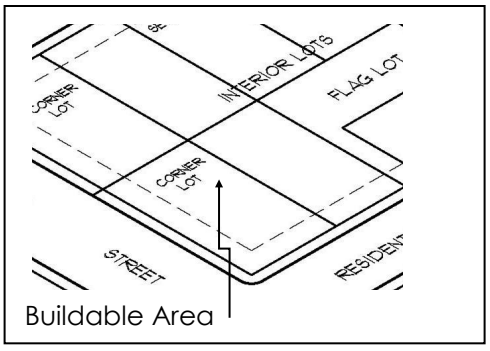
BREWERY, CRAFT shall mean a brew pub or a micro-brewery.

BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BREWERY, REGIONAL shall mean a brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

BREWERY, TAPROOM shall mean a professional brewery that sells 25 percent or more of its beer on-site and does not operate significant food services. The beer is brewed primarily for sale in the taproom and is often dispensed directly from the brewery's storage tanks. Where allowed by law, taproom breweries often sell beer to-go and/or distribute to off-site accounts.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.



BUFFER AREA shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

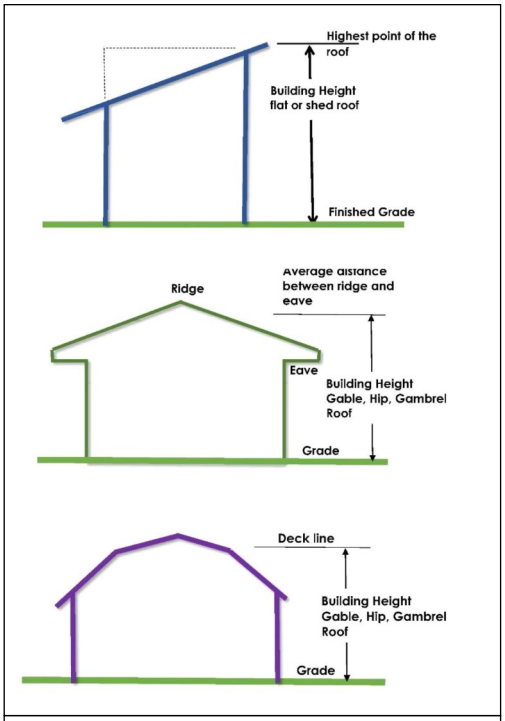
BUFFERYARD shall mean a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILD-THROUGH ACREAGE (see Ghost Platting)

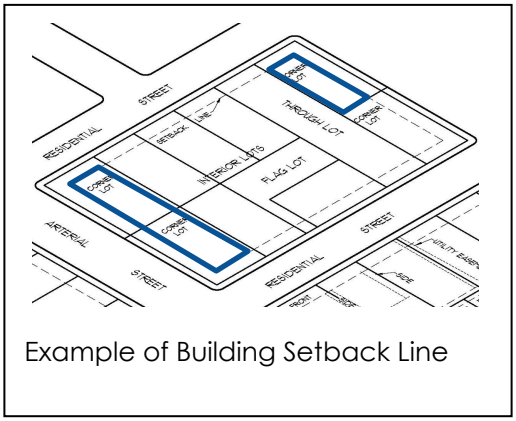
BUILDABLE AREA shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.



Example of Building Envelope



Building Height Diagram



Example of Building Setback Line

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

BUILDING AREA shall mean the total square feet of the ground area occupied by all buildings and structures on a lot.

BUILDING CODE shall mean the various codes of the City of Hickman that regulate construction and require building, electrical, mechanical, plumbing and other permits to as well as other codes adopted by the City that pertain to building construction.

BUILDING, COMMERCIAL shall mean any structure used for and housing a commercial use.

BUILDING COVERAGE shall mean the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

BUILDING ENVELOPE shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.

BUILDING LINE shall mean the outer boundary of a building established by the location of its exterior walls.

BUILDING MATERIALS shall mean indoor and outdoor retail sales lumber, hardware, another construction materials.

BUILDING OFFICIAL, CHIEF shall mean the designee of the City Council, responsible for the enforcement of the building and land use regulations of the City of Hickman.

BUILDING, PUBLIC shall mean any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

BUILDING, SEMI-PUBLIC shall mean structures principally of an institutional nature and serving a public need, such as churches, hospitals, museums, but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

BULK REGULATIONS shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

BUSINESS shall mean activities that include the exchange or manufacture of goods or services on a site.

BUSINESS CENTER shall mean a building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

BUSINESS INCUBATOR shall mean a facility dedicated to the start-up and growth of small businesses, accomplished through management and facility support systems. For purposes of this definition, management support systems include access to professional advice, information on small business regulations, management, advertising, promotion, marketing, sales, inventory, employees, labor relations, and financial counseling. Facility support systems include clerical and reception staff, cleaning and building security, and access to copy machines, computers, faxes, and other electronic equipment.

BUSINESS SERVICES shall mean uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/ duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

BUSINESS SUPPORT SERVICES shall mean establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

BUTCHER shall mean someone who cuts and sells meat in a shop or who kills animals and prepares their meat to be eaten.

BUTCHER SHOP, CUSTOM shall mean the incidental keeping and processing of farm animals for retail trade.



Cabin, Hunting and Fishing



Example of a Campground



Example of a Cemetery



Example of a Channel

C

CABIN shall mean a small one-story house built and designed for temporary use.

CABIN, HUNTING AND FISHING shall mean buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

CAMPER shall mean any coach, cabin, house trailer, house car or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has characteristics similar to a mobile home in that it can be conveyed on the streets. However, in no way is it intended to become a residence.

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational and having open areas that are natural in character.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having less than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

CEMETERY, PET shall mean land, together with any structures, facilities, or buildings appurtenant thereto provided to members of the public for use or reservation for use for the individual interment, above or below ground, of pet remains.

CERTIFICATE OF OCCUPANCY shall mean an official certificate issued by the Building Official or their/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.

CHANNEL shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHEMICAL DISTRIBUTION shall mean the storage of chemical, petroleum, fertilizer or other hazardous materials in storage of resale.

CHIEF BUILDING OFFICIAL see building official, chief

CHIEF EXECUTIVE see Mayor

CHIEF LEGISLATIVE BODY see City Council

CHILD CARE CENTER shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME shall mean an operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A Family Child Care Home provider may serve no more than two additional school-age children during non-school hours.

CHURCH see Religious Assembly

CHURCH, STOREFRONT see Religious Assembly

CITY shall mean the City of Hickman, Nebraska. Also, "City Council" or "Governing Body."

CITY ATTORNEY shall mean the City Attorney of the City of Hickman or their authorized deputy, agent or representative.

CITY COUNCIL shall mean the City Council of Hickman, Nebraska.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor and City Council or their authorized deputy, agent or representative.

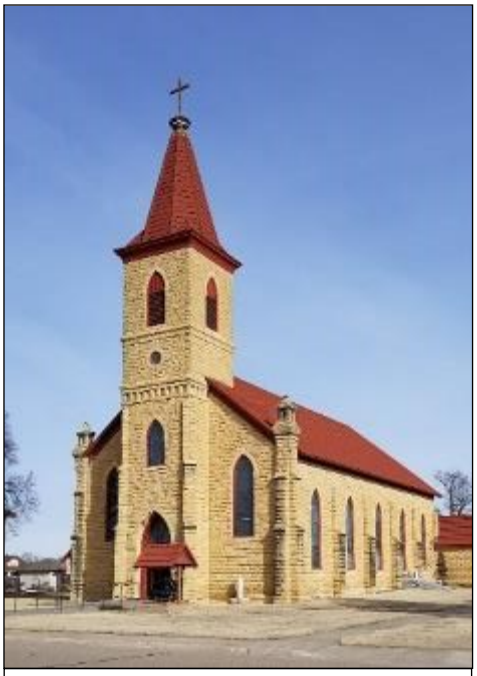
CITY LIMITS shall mean the established corporate boundary of the City of Hickman.

CLEAR VIEW ZONE See Sight Triangle.

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

CLUBHOUSE, COMMERCIAL see Recreational Facility

CLUBHOUSE, RESIDENTIAL SPACE shall mean facilities accessory to a private residence(s) used only by the owner, residents, and guests.



Example of a Church



Coffee Kiosk

CLUSTERED DEVELOPMENT shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CODE shall mean the Municipal Code of the City of Hickman, Nebraska.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and premade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COLLEGE AND UNIVERSITY FACILITIES shall mean an educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

COMMISSION shall mean the Planning Commission of Hickman, Nebraska.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

COMMON DEVELOPMENT shall mean a development proposed and planned as one unified project not separated by a public street or alley.

COMMON OPEN SPACE shall mean land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY GARDEN shall mean any piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may produce fruit, vegetables, and/or ornamentals.

COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

COMPATIBLE USE shall mean the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

COMPOST shall mean decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.



Example of Compost

COMPOSTING shall mean processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

COMPREHENSIVE PLAN shall mean the Comprehensive Development Plan of Hickman, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903.

CONDITIONAL USE PERMIT shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon or required by said permit.



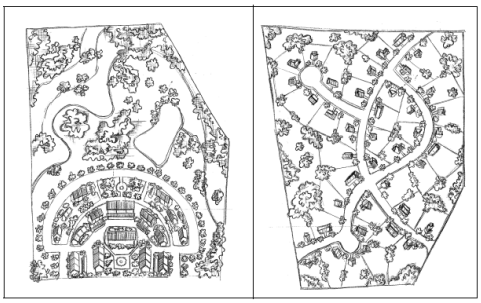
Example of an Outdoor Composting

CONDOMINIUM shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act, as set forth in Neb. Rev. Stat. §§ 76-825 to 76-894 (R.R.S.1997).

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONGREGATE HOUSING shall mean a residential facility for four or more persons aged 55 years or over and their spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also, see Life Care Facility.

CONSERVATION shall mean the management of natural resources to prevent waste, destruction, or degradation.



Conservation subdivisions (left) feature smaller lots with a high percentage of open space. Conventional subdivisions (right) feature large lots with little common open space. A conventional subdivision is subject to all of the base zoning district standards, such as minimum lot size, front setbacks, landscaping, and adequacy of public facilities.

Conservation Subdivision



Conventional Subdivision



Convenience Store

CONSERVATION AREA shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION DEVELOPMENT shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSERVATION SUBDIVISION shall mean wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

CONSTRUCTION BATCH PLANT shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

CONSTRUCTION YARDS shall mean establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

CONVALESCENT SERVICES shall mean a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

CONVENTIONAL SUBDIVISION shall mean a subdivision which literally meets all nominal standards of the Subdivision Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

CONVENIENCE STORE shall mean a one-story, retail store containing floor area that is designed and stocked to sell primarily food, beverages, and other household supplies, and may also sell gasoline, to customers who purchase only a relatively few items (in contrast to a "supermarket.")

It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic.

CONTIGUOUS see Abut.

CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

COTTAGE INDUSTRY BUSINESSES shall mean a business in a residential area conducted primarily by the residents of the property manufacturing artistic, handicraft, and other craft items.

COWORKER SPACE shall mean a shared flexible office space designated for businesses or business oriented developments.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

COURTYARD shall mean an open, unoccupied space, bounded on two or more sides by the walls of the building.

CREATIVE SUBDIVISION shall mean a subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Subdivision Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.

CROP PRODUCTION shall mean the raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

CUL-DE-SAC shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

CULTURAL SERVICES shall mean a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

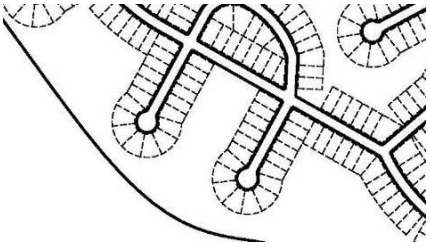
CURVE LOT see Lot, Curve.



Creative/Conservation Subdivision



Example of Crop Production



Cul-de-sac

CRYPTO MINING shall mean the process of digitally searching for Bitcoin and/or digital tokens. Crypto mining may occur in a specially design building similar to a data center.

D

DATA CENTER shall mean an establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing mainframe computers and storage devices. This term does not include general business offices, computer-related sales establishments, and business or personal services.



Data Center

DATE OF SUBSTANTIAL COMPLETION shall mean the date certified by the Chief Building Official or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

DECIDUOUS SCREEN shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.



Deciduous Screen

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning, pergola, or a canopy provided all the vertical sides, other than the residential structure are open.

DENSITY shall mean the number of dwelling units per gross acre of land.

DENTENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.



Detention Basin

DENTENTION FACILITY, JUVENILE shall mean an institution operated by a political subdivision or political subdivisions for the secure detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile detention facility does not include any institution operated by the department;

DENTENTION FACILITY, CRIMINAL shall mean any institution operated by a political subdivision or a combination of political subdivisions for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facility does not include any institution operated by the Department of Correctional Services. Criminal detention facilities shall be classified as follows:

1. Type I Facilities means criminal detention facilities used for the detention of persons for not more than twenty-

four hours, excluding nonjudicial days;
2. Type II Facilities means criminal detention facilities used for the detention of persons for not more than 96 hours, excluding nonjudicial days; and
3. Type III Facilities means criminal detention facilities used for the detention of persons beyond 96 hours;

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

DEVELOPMENT CONCEPT PLAN see Site Plan.

DEVELOPMENT REVIEW shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

DISTRICT OR ZONE shall mean a section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

DOG DAY CARE FACILITY shall mean a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.


Example of a Dog Park

DOG KENNEL see Kennel, Boarding or Training, and Kennel, Commercial.

DOG PARK shall mean a specifically designated and fenced off for the exercise of canines and other domestic animals.

DOMESTIC ANIMALS see Household Pet.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple family residential district to single family residential district.


Example of a Drainageway or Surface Drain

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.



Example of a Duplex



Example of Dwelling, Courtyard Building



Example of Dwelling, Live-work Units



Example of a Dwelling, Manufactured Home
Source: http://transportablehomesspecialist.com/

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX see Dwelling, Two Family.

DWELLING shall mean any building or portion thereof, which is designed and used exclusively for single family residential purposes, excluding mobile homes.

DWELLING, CONDOMINIUM shall mean a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.

DWELLING, COTTAGE COURT shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

DWELLING, COURTYARD BUILDING (MULTI-FAMILY) shall mean a residential structure where the units have internal excess and are built around an outer or inner courtyard.

DWELLING, LIVE-WORK UNIT shall mean a small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a ground floor space accommodating a non-residential use.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the HUD. In order to be considered the same as a stick-built residential dwelling unit, the following standards shall be met:

1. The home shall have no less than 900 sf of floor area, above grade, for single story construction.
2. The home shall have no less than an 18 ft exterior width.
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
4. The exterior material shall be of a color, material and scale comparable with existing site-built, single-family residences.
5. The home shall have a nonreflective roof material including asphalt or wood shingles, tile, or rock or a material simulating the material. Standing seam roofs are allowable provided they are nonreflective.

6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
7. The home shall meet and maintain the same standards uniformly applied to all single-family dwellings in the zoning district.
8. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.



Dwelling, Multi-family

DWELLING, MULTIPLE-FAMILY (APARTMENT BUILDINGS) shall man a building or portion thereof containing three or more dwelling units.



Example of a Dwelling, Mobile Home

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
2. Permanent Foundation: Base on which building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, MODULAR shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in Neb. Rev. Stat. §§ 71-1557 to 71-1568.01 (Cum.Supp.2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered to be a conventional type single-family dwelling, and those not meeting the above criteria shall be considered a mobile home. In order to be considered the same as a stick-built residential dwelling unit, the following standards shall be met:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction.
2. The home shall have no less than a 18 feet exterior width;

3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
4. The exterior material shall be of a color, material and scale comparable with existing site-built, single-family residences.
5. The home shall have a nonreflective roof material including asphalt or wood shingles, tile, or rock or a material simulating the material. Standing seam roofs are allowable provided they are nonreflective.
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
7. The home shall meet and maintain the same standards uniformly applied to all single-family dwellings in the zoning district.
8. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.



Example of Single-Family Attached

DWELLING, MODULAR (HOME SEAL) shall mean a device or insignia issued by the Nebraska Department of Health to be displayed on the exterior of the modular housing unit to evidence compliance with departmental standards.

DWELLING, MULTIPLE shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

DWELLING, SINGLE FAMILY shall mean a building having accommodations for or occupied exclusively by one family.



Dwelling, Single-family Attached

DWELLING, SINGLE-FAMILY ATTACHED (GROUP, ROW AND TOWNHOUSES) shall mean a residential building joined horizontally to another residential building at one or more sides by a party wall or walls.

DWELLING, TWO FAMILY (DUPLEX) shall mean a residential building containing two dwelling units, either attached or detached.

DWELLING, TWO FAMILY STACKED shall mean a residential building with two units stacked one on the other. These can be an older single-family dwelling unit converted into two separate units.

DWELLING, TRIPLE STACKED shall mean a residential structure containing three to six units stacked through three stories.

DWELLING UNIT shall mean one or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing

independent cooking, toilet and sleeping facilities.

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home not meeting the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of dwelling unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



Example of a Cargo Container



Example of a Grain Bin House



Example of a Quonset House



Example of a Shouse

E

EARTHEN HOME shall mean a home built into a berm or hillside covered by earth on three sides and on the roof.

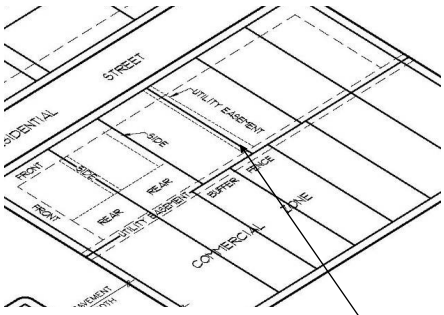
EASEMENT shall mean a grant, made by a property owner, to the use of their land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways. See graphic on page 28.

EDUCATIONAL INSTITUTION shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.

EFFECTIVE DATE shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.



Earthen Home/Earth sheltered



Example of an Easement

EMERGENCY RESIDENTIAL SERVICES shall mean a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

ENCROACHMENT shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EQUIPMENT RENTAL AND SALES shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

EQUIPMENT REPAIR SERVICES shall mean the Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

ERECTED shall mean constructed upon or moved onto a site.

ETHANOL PLANT shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

EVERGREEN OR CONIFEROUS SCREEN shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

EXOTIC BIRDS OR ANIMALS shall mean birds or animals not commonly kept domestically or that are not native to Nebraska and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo or bison shall not be considered as exotic birds or animals.

EXPANSION shall mean the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits of the City, in which the State has granted the City the power to exercise zoning jurisdiction and building regulations.

F

FAÇADE shall mean the exterior wall of a building exposed to public view from the building's exterior.



Example of a Facade

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FAMILY shall mean one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

1. Persons related by blood, marriage, or adoption.
2. Persons residing with a family for the purpose of adoption.
3. Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
4. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
5. Person(s) living with a family at the direction of a court.

FAMILY CHILD CARE HOME I shall mean a childcare operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FAMILY CHILD CARE HOME II shall mean a childcare operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.


Example of a Farmer's Market

FARM an area containing at least 20 acres or more which is used for growing or storage of the usual farm products such as vegetables, fruit, and grain, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces 1,000 dollars or more per year of farms products raised on the premises. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARMER'S MARKET shall mean an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts

items, and food and beverages (but not to include secondhand goods) dispensed from booths located on-site.

FEDERAL shall mean the federal government of the United States of America.

FEEDLOT, COMMERCIAL shall mean a lot or building, or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure. This definition does not include the pasturing of livestock.

FENCE shall mean a structure serving as an enclosure, barrier or boundary above ground.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

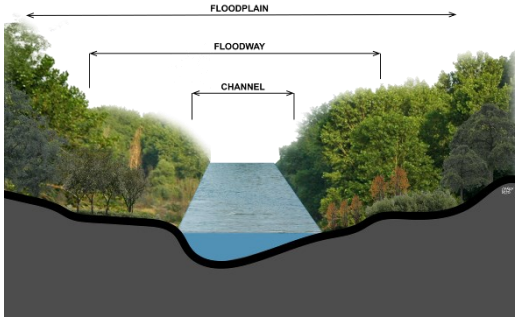
FENCE, OPEN shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

FENCE, SOLID shall mean any fence, which does not qualify as an open fence.

FINANCIAL SERVICES shall mean the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

FIREWORKS STAND shall mean any tent used for the retail sale of fireworks, on a temporary basis.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.



Floodplain Anatomy

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source.

FLOOD PROOFING shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water

and sanitary facilities, structures and their contents.

FLOODWAY shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

FLORIST shall mean a retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

FOOT CANDLE shall mean a unit of illumination. Technically, the illumination of all points one-foot distance from a uniform point source of one candle power

FOUNDATION shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.



Freestanding Canopy

FRONTAGE shall mean that portion of a parcel of property that abuts a dedicated public street or highway.

FRONTAGE ROAD: shall mean a street parallel and adjacent to a major arterial or collector, primarily for service to the abutting properties, and being separated from the major street by a di-viding strip.



Example of a Frontage Road

FUEL STATION shall mean a designated facility offering the sale gasoline, diesel fuel and propane.

FUEL STORAGE shall mean tanks used to storage fuel either above- or below-ground as part of an agricultural operation.

FUNERAL HOME OR MORTUARY shall mean a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith be-fore burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

G

GARAGE, PRIVATE shall mean a detached accessory building, including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling. Private garages shall not have any sort of repair service facilities or function as a location where motor vehicles are kept for rental or sale.

GARAGE, PUBLIC shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see Service Station.

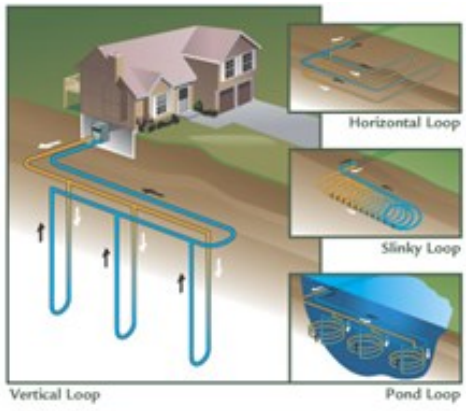
GARAGE, STORAGE shall mean a detached accessory building on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

GARDEN CENTER shall mean a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants is considered general retail with outdoor storage.

GAS STATION CONVENIENCE STORE shall mean any building, structure, or parcel primarily used for the dispensing, selling, or offering for retail sale gasoline, diesel fuel, or kerosene. A retail store which sells convenience items such as groceries and alcoholic beverages and may also have restaurant facilities accessory to the sale of the fuel. This shall not include any repair or service to an automobile or vehicle, and it shall not include the sale of parts for said repair.

GENERAL OFFICES shall mean the Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.



Examples of Geothermal Heat Pump System

GEOTHERMAL HEAT PUMP SYSTEM shall mean a well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well transferring heat via pumped ground water which is discharged above and/or below ground.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
3. Horizontal Closed Loop means a trench or pit

essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.

4. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.

GHOST PLAT (also known as Build-Through Acreage) shall mean a subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

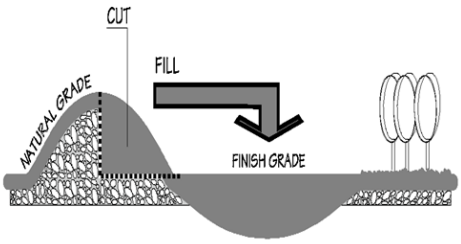
GOLF COURSE shall mean a multiple hole course for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges which are not accessory to a golf course. See Recreational Facility

GOLF COURSE, MINITURE shall mean indoor or outdoor facility for an informal version of golf played on a series of short constructed obstacle courses.

GOVERNING BODY see City Council.

GOVERNMENTAL USE shall mean a building, use or structure providing administrative, clerical, or public contact services that deal directly with the citizen and/or the incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

GRADE shall mean a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. the slope of the ground, a road, street, or other public way specified in percentage terms.



Grading, Cut/Fill Example

GRADE, FINISHED shall mean the final slope of the ground after development, expressed in a percent.

GRADE, NATURAL shall mean the slope of the ground in its natural state, before construction, filling, or excavation, expressed in a percent.

GRADING shall mean any activity, which removes or covers the vegetative surface, including, but not limited to: excavation, stripping, fill, or any combination thereof (and the conditions resulting from any excavation, stripping or fill), tree removal, clearing, filling, or the removal of topsoil or fill.



Graphic Element

GRAIN BIN shall mean a structure for storage of agricultural crop production.

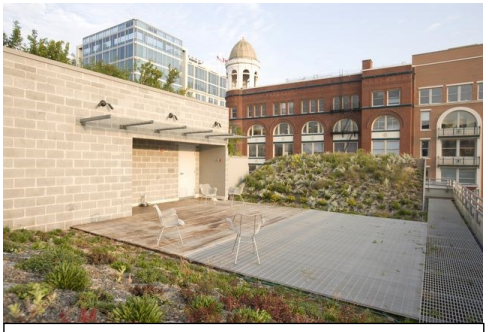
GRAIN ELEVATOR or SILO shall mean a structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.

GRAPHIC ELEMENT shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

GRASSLANDS shall mean land in which the dominant plant species are native grasses.

GREEN BUILDING shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered "green" if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.

GREEN ROOF shall mean a roof covering of vegetation material, typically consisting of the following components: an insula-tion layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from pene-trating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotex-tile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket.



Green Roof

GREEN ROOF, EXTENSIVE shall mean a green roof system that ranges from as little as one to five inches in soil depth. Extensive green roof systems generally add less load and require less maintenance than intensive green roof systems.

GREEN ROOF, INTENSIVE shall mean a green roof system that requires a minimum of one foot of soil depth to create a more traditional rooftop garden, with large trees, shrubs and other manicured landscapes. They are multiple layer con-structions, often including elaborate irrigation and drainage systems, adding considerable load to a structure, and requiring intensive maintenance.

GREENHOUSE shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENHOUSE, COMMERCIAL shall mean a greenhouse for the raising and sale of agricultural and horticultural commodities for wholesale distribution and/or direct sale.

GREENHOUSE, NONCOMMERCIAL shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

GROSS FLOOR AREA shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

GROUNDCOVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

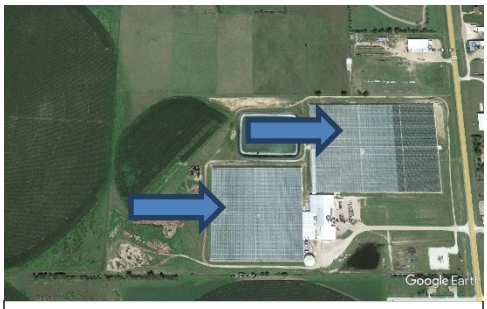
GROUNDWATER shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

GROUP CARE HOME shall mean a home, which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting.

GROUP HOME shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

GUEST ROOM shall mean a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

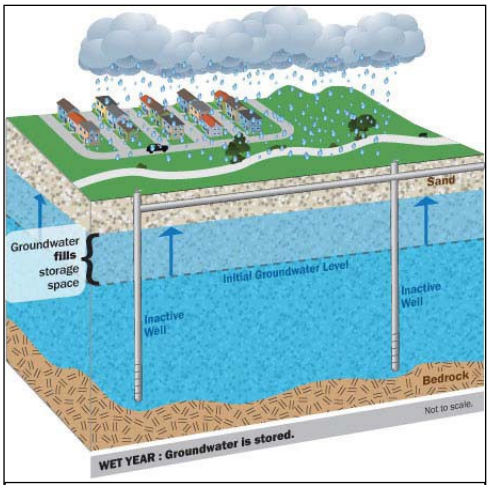


Greenhouse, Commercial


Greenway



Example of Groundcover



Groundwater
Source: municipalpumping.jpg

GUN CLUB see Sportsman's Club.

GUNSMITH shall mean a shop that designs, makes, or repairs small firearms.

H

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

HAZARDOUS WASTE shall mean any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

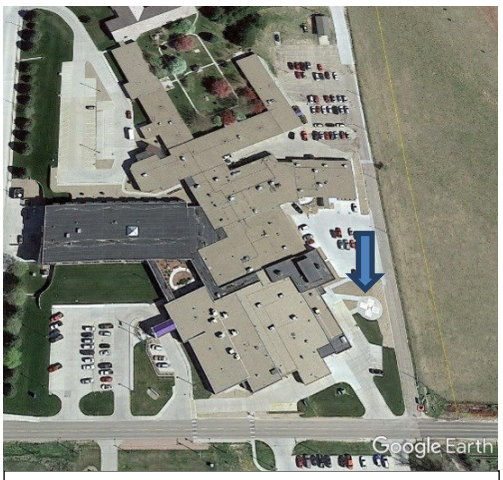


Example of a Hedge

HEALTH CLUB shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEDGE shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

HELIPORT shall mean any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.



Example of a Heliport

HELISTOP shall mean an area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

HIGHWAY DEPARTMENT shall mean the Lancaster County Highway Department.

HISTORIC SITES shall mean a structure or place of outstanding historical and cultural significance and designated as such by State or Federal government or by a local government or local nonprofit historical society or foundation.

HISTORIC STRUCTURE shall mean any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    A. By an approved state program as determined by the secretary of the interior; or
    B. Directly by the secretary of the interior in states without approved programs.

HOME IMPROVEMENT CENTER shall mean a business which sells, primarily at retail, supplies and equipment for home improvements, including hardware, housewares, lumber, lighting and electrical fixtures, appliances, and lawn and garden center products.

HOME OCCUPATION shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Hickman. Any portion of a residential property, including a home phone, computer, mailing address, etc., used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child Care Homes and Child Care Centers are not considered a Home Occupation.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HORTICULTURE shall mean the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

HOSPICE shall mean a facility serving as a medical and residential facility for end-of-life treatment, providing inpatient services and support services for families of the residents and patients.

HOSPITAL shall mean an institution providing medical and surgical treatment and nursing care for sick or injured people.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

HOT TUB/SPA shall mean a body of water in an artificial or semi-artificial receptacle or other container, such as a hot tub, a whirlpool designed for recreational use, or a therapy pool for medical use which is designed not to be drained, cleaned, and refilled after each individual use. It may include, but is not limited to, hydro jet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Any hot tub/spa that exceeds 95 inches in width or length and/or 36 inches in depth shall be considered a swimming pool.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

I

IMPERVIOUS COVERAGE shall mean the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

IMPERVIOUS SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

IMPROVEMENT shall mean any change to a structure, object, fence, gate, wall, work of art or parcel from its natural state, which includes, but is not limited to, the installation of drainage ditches, roadways, parkways, sidewalks, pedestrian ways, land for schools or other public uses, off-street parking areas, and the construction of structures.

INCIDENTAL USE shall mean the use of the premises which is dependent on or affiliated with the principal use of such premises.

INDUSTRIAL USES shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated

in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INDUSTRIAL, GENERAL shall mean enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

INDUSTRIAL, HEAVY shall mean enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

INDUSTRIAL, LIGHT shall mean establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

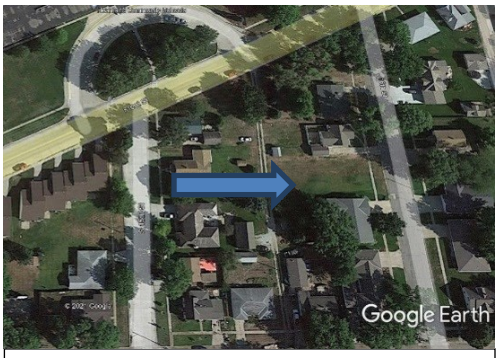
INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominantly built-up area.

INFILL SITE shall mean any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built-up area.

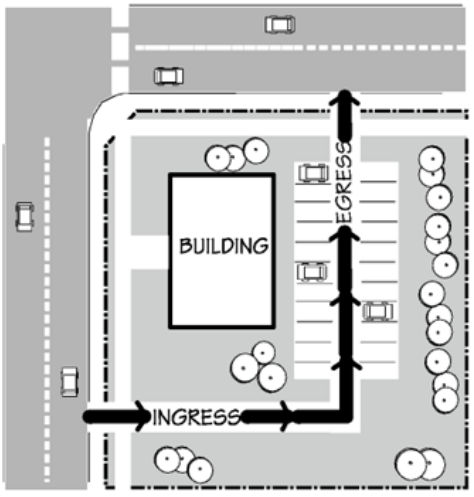
INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

INGRESS AND EGRESS shall mean an entrance or access and exit, respectively.

INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or



Potential Infill Site



Example of Ingress and Egress

partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

INSTITUTION shall mean a nonprofit corporation or nonprofit establishment for public use.

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

INTENT AND PURPOSE shall mean that the Commission and Council by the adoption of this Ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.

J

JUNK shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.



Example of a Junk Yard

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

K

KENNEL, BOARDING, or TRAINING shall mean a use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, bred, or trained.



Kennel, Boarding or Training
Kennel, Commercial

KENNEL, COMMERCIAL shall mean an establishment where three or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, boarded, trained, groomed or sold as a business

KENNEL, DOMESTIC shall mean the keeping, breeding, raising, fostering, showing, or training of three or less dogs, over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective. Domestic kennels are not subject to a kennel license.

KENNEL, PRIVATE shall mean an establishment where three or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded

KITCHEN FACILITIES shall mean a room or area equipped for the preparation and cooking of food when it has all of the following: 1. Kitchen sink, 2. Burner, cook stove, or microwave oven, and 3. Refrigerator.

L

LABORATORY shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.

LAGOON shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the NDEE and the NHHS. All lagoons shall have the proper permits approved prior to starting construction.



Example of a Lagoon

LANDFILL, CONSTRUCTION MATERIAL shall mean the use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

LANDFILL, SOLID WASTE shall mean the use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the EPA and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.



Aerial view of a Landfill, Solid Waste

LANDMARK shall mean any single building, site, structure, object, or improvement which has special historical or cultural significance to the City, state, or nation, or an integrated group of same on a single lot or parcel that has been designated as such, pursuant to the provisions of this Ordinance.

LANDMARK DISTRICT shall mean an area or section of the City containing a significant number of buildings, sites, structures, objects, or improvements which, considered as a whole, possess historical or cultural significance to the City, state, or nation pursuant to the provisions of this Ordinance.

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPED AREA shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

LAWFUL shall mean not in conflict with any laws, ordinances, or statutes existing at the time of the enactment of this Ordinance.

LEAPFROG DEVELOPMENT shall mean a new development separated from existing development by substantial vacant land.

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

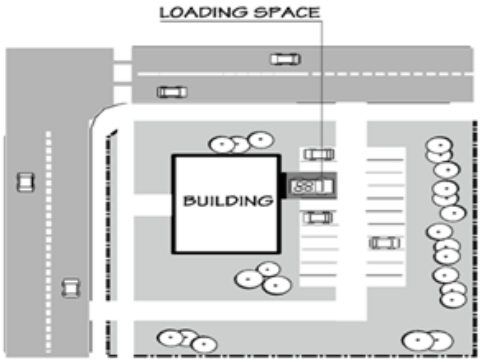
LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

LIQUOR SALES shall mean Establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

LIVESTOCK, RANCH shall mean an area of land, including various structures, given primarily to the practice of ranching, the practice of raising grazing livestock such as cattle or sheep for meat or wool. Ranches generally consist of large areas but may be of nearly any size. Ranches may be a combination of privately owned land supplemented by grazing leases on land under the control of the federal Bureau of Land Management. If the ranch includes arable or irrigated land, the ranch may also engage in a limited amount of farming, raising crops for feeding the animals, such as hay and feed grains.

Ranches that cater exclusively to tourists are called guest ranches or, colloquially, "dude ranches." Most working ranches do not cater to guests, though they may allow private hunters or outfitters onto their property to hunt native wildlife, and may include horseback rides, cattle drives or guided hunting.

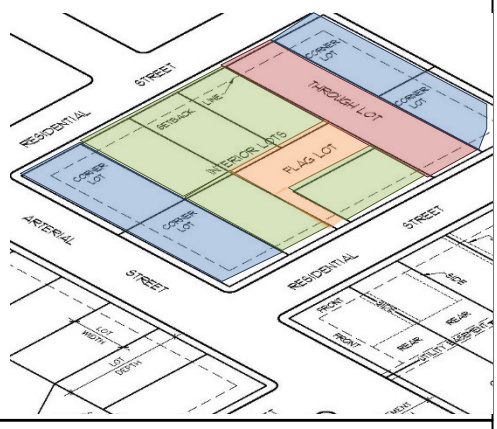


Example of Loading Area/Space

LIVESTOCK SALES shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

LOADING AREA/SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Lancaster County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.



Examples of Lot Types

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT, DOUBLE FRONTAGE, or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT, NONCONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Lancaster County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.

LOT OF RECORD shall mean a lot or parcel of land, the deed to which has been recorded in the records of the Lancaster County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also

included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, CUSTOM shall mean an establishment primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

MASSAGE THERAPY/SPA shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Also, see Adult Uses.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Hickman and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

MATERIAL EFFECT shall mean an effect on a financial product that a reasonable person would expect to influence someone's decision to acquire or dispose of the financial product.

MAYOR shall mean the chief executive of the municipality (City of Hickman).

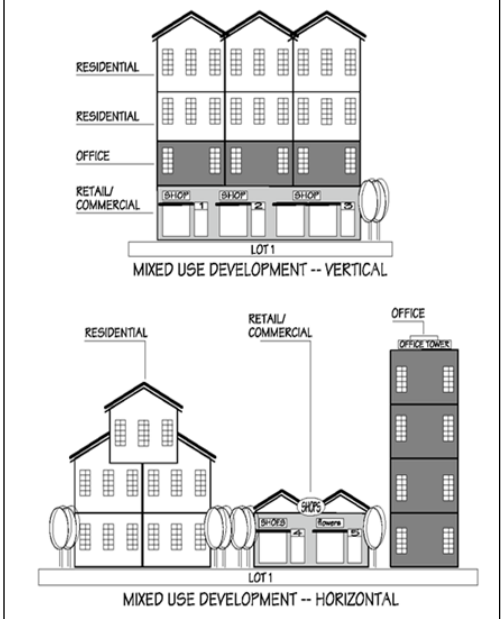
MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MEDIAN see Parkway.

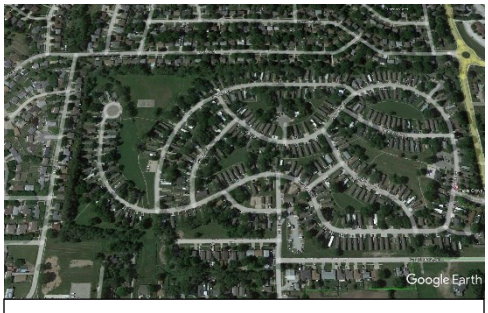
MEDICAL CLINICS/OFFICES shall mean the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.



Example of Mixed-use Buildings



Example of Mixed Use Development



Example of Mobile Home Park

MEDICAL MARIJUANA DISPENSARY shall mean a place of business where marijuana is dispensed or sold at retail to qualifying patients and primary caregivers, and for which the Nebraska State regulatory body has issued a dispensary facility permit or license to an applicant in accordance with Nebraska State Statute, as amended.

MEDICAL MARIJUANA PRODUCTION FACILITY shall mean a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the State of Nebraska regulatory body has issued a producer license in accordance with Nebraska State Statute, as amended.

MINI-STORAGE OR MINI-WAREHOUSE see Self-Service Storage Facility.

MINOR as in IMPROVEMENT, AMENDMENT, CHANGE, USE OR MODIFICATION shall mean a slight or small difference that does not change the intent of the regulation.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MIXED USE BUILDING shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

MIXED USE DEVELOPMENT shall mean a single development that incorporates complementary land use types into a single development.

MOBILE FOOD UNIT shall mean a temporary food service establishment that is a vehicle-mounted and is designed to be readily movable.

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms "manufactured home park" or "mobile home park" shall

include the term "trailer camp", as defined in the Hickman Code.

MOBILE HOME SUBDIVISION shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

MODULAR HOME shall mean a dwelling unit approved by the Nebraska Department of Public Health and composed of elements substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The term does not include manufactured (mobile) homes.

MONASTERY shall mean a building or complex of buildings comprising the domestic quarters and workplaces of monastics, monks, or nuns, whether living in communities or alone. A monastery generally includes a place reserved for prayer which may be a chapel, church, or temple.

MOTEL see Hotel.

MOTOR FREIGHT TERMINAL shall mean a building or area in which freight brought by motor truck is received, assembled or stored and dispatched for routing by motor truck which may include motor truck storage.

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

MUNICIPALITY OR MUNICIPAL shall mean or relate to a city of the second and/or first class. In this document it means and relates to the City of Hickman, Nebraska.

N

NATIONAL REGISTER OF HISTORIC PLACES shall mean the nation's official list of properties worthy of preservation. Properties so designated have local, state, or national significance. The National Register is maintained by the U.S. Department of the Interior, National Park Service and is promulgated under federal regulations set out in 36 C.F.R. Part 60.

NEBRASKA STATE HISTORIC PRESERVATION OFFICER shall mean the governor's appointed official for all matters related to federal historic preservation programs in Nebraska as administered by the Nebraska State Historical Society.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

NONCOMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NONCONFORMING BUILDING/DEVELOPMENT shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NONCONFORMING LOT shall mean a lot which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.

NONCONFORMING SIGN shall mean a sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

NONCONFORMING STRUCTURE shall mean a structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.

NONCONFORMING USE shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

NONCONVERSION AGREEMENT shall mean a recorded agreement, which shall run with the land identified in an attached legal description, between a property owner and Floodplain Administrator to document a property owner's understanding of the limitations on construction and use of a structure's enclosed area located below the identified flood protection elevation, when said structure is located within a Special Flood Hazard Area.

NONFARM BUILDINGS shall mean all buildings except those buildings utilized for agricultural purposes on a farm.

NONFARM DWELLING shall mean any dwelling that is not a part of a farm regardless of lot size.

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.



Example of a Nursery

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss,

humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

NURSING HOMES OR CONVALESCENT HOMES shall mean an institution or agency licensed by the State of Nebraska for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

O

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICIAL ZONING DISTRICT MAP shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Hickman City Council.

OFF-STREET PARKING AREA shall mean all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards are not included as common open space.

OUTDOOR ADVERTISING see Advertising Structure and Sign.

OUTDOOR STORAGE shall mean the storage of materials, parts, or products related to the primary use of a site for a period of time.

OUTDOOR STORAGE, COMMERCIAL shall mean the storage of products for sale to the public, not impeding a public sidewalk or public way. This does not include storage units for rent (See Self-Service Storage Facility).

1. Next to Building – Items for Sale to Public are permitted in commercial
2. Special Temporary Sales in the Parking Lot – Temporary Use permit required
3. Not for sale items such as storage of excess shelving units not permitted

OUTDOOR STORAGE CONTAINERS See Storage Container

OUTDOOR STORAGE, INDUSTRIAL shall mean the storage of items that are related to the primary use of a site, however, not impeding a public sidewalk or public way. This does not include storage units for rent.

OUTDOOR STORAGE STRUCTURE shall mean any permanent structure, enclosed or semi enclosed, used for the storage of vehicles, materials, or other items necessary for the operation of the commercial or industrial use. Semi-enclosed structures are to be screened from view from public ways. This does not include storage units for rent.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or reserved for future development, for which no building permit shall be issued unless parcel is replatted.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

OWNER OF RECORD shall mean a fee simple owner or owner's authorized agent, a corporation which owns real estate, partnership owning real estate, limited liability corporation, or other device constituting ownership of real estate.

P

PACKAGE LIQUOR STORE shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.



Example of a Paintball Course

PAINTBALL COURSE shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

PARKING, REMOTE shall mean a supply of off-street parking at a location not on the site of a given development.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean a strip of land situated within the dedicated street right-of-way and (1) located between the roadway and right-of-way line; (2) a median located between the roadways; or (3) landscaped.



Example of a Parkway (Median)

PAVED shall mean permanently surfaced with poured concrete, concrete pavers, or asphalt.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERFORMANCE STANDARD (CRITERIA) shall mean an approved level of performance thresholds, requirements, or expectations that must be met to be appraised at a particular level of conformance.



Example of a Pergola

PERGOLA shall mean an outdoor structure consisting of columns that support a roofing grid of beams and rafters. This roofing grid may be left open or covered so as to create an area sheltered from the elements. Pergolas may be freestanding or attached to a house.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.



Example of a Permanent Foundation

PERMANENT STORAGE shall mean the long-term storage on -site within an accessory building or structure.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERMANENTLY ATTACHED shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Hickman, Nebraska.

PERSONAL SERVICES shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

PHARMACY see Medical Clinics/Offices.

PLANNING COMMISSION shall mean the Planning Commission of Hickman, Nebraska.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLE BUILDING shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

POLICY shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

PORCH, UNENCLOSED shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

PREFABRICATED HOME shall mean to manufacture (a building or section of a building, for example) in advance, especially in standard sections that can be easily shipped and assembled.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRE-PROJECT CONDITION shall mean a condition that impacts erosion, sediment, or stormwater runoff characteristics of a site prior to start of construction activity. The pre-project condition shall be based on the predominant land use for the past five years. For example, if a site has been cropland for four (4) of the past five (5) years and in grass just prior to development, the land use would be cropland for the pre-project condition.

PRESERVATION shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

PRINCIPAL USE shall mean the main use of land or structure, as distinguished from an accessory use.

PROFESSIONAL SERVICES shall mean services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPERTY, HISTORIC PRESERVATION shall mean a building, site, structure, object, or improvement designated or proposed for designation as a landmark or within a landmark district.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other

business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

PUBLIC WAY shall mean any sidewalk, street, alley, highway, easement, or other public thoroughfare.



An Aerial of a Mining and Mineral Extraction Site and Quarry

Q

QUARRY shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

QUARRY REHABILITATION shall mean to provide slopes that will be covered with a layer of top soil.

QUONSET HOME, see Dwelling Unit, Special Types

R

RAILROAD shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATION, INDOOR shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

RECREATION, OUTDOOR shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

RECREATIONAL FACILITY shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.



Example of Recreational Vehicle

RECREATIONAL VEHICLE (RV) PARK shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.



Example of Recreational Vehicle

RECYCLING CENTER shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

RECYCLING COLLECTION shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.



Example of Recycling Center

RECYCLING DROP OFF SITE shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

RECYCLING PROCESSING shall mean any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

REDEVELOPMENT shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.



Example of Recycling Drop off Site

RELIGIOUS ASSEMBLY shall mean a building or group of buildings used or proposed to be used for conducting organized religious services and accessory uses associated with the use.

RELIGIOUS ASSEMBLY, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings.

REMOTE PARKING shall mean a supply of off-street parking at a location not on the site of a given development.

RENDERING PLANT shall mean a plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to byproducts, such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.



Example of Renewable Energy

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

RESERVE STRIP shall mean a narrow strip of land overlying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESIDENTIAL CLUBHOUSE SPACE see CLUBHOUSE, RESIDENTIAL SPACE

RESTAURANT shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, ENTERTAINMENT shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

RESTAURANT, FAST FOOD shall mean a restaurant establishment whose principal business is the sale of food and/or beverages in ready-to- consume individual servings, for consumption either within the establishment, for carryout, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.



Example of Resource Extraction

RESOURCE EXTRACTION shall mean a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

RETAIL shall mean the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

RETAIL, BIG BOX (see Big Box Retail).

RETAIL, RESTRICTED SALES shall mean a retail facility that requires a government issued permit of license for regulated goods (i.e., firearms, liquor, tobacco, or medical marijuana dispensary).

RETAIL SALES shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

RETAIL SERVICES shall mean establishments engaged in selling of goods or merchandise including household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

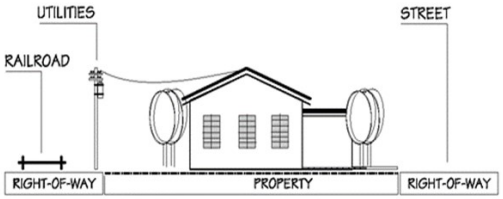
RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

RETIREMENT RESIDENCE shall mean a building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future



Example of Right-of-Way


Example of Roadside Stand

RIGHT-OF-WAY shall mean a strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

ROADSIDE STAND shall mean a structure for the display and sale of products on a temporary or seasonal basis.

ROOM shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

S

SAFETY SERVICES shall mean facilities for conduct of public safety and emergency services including police and fire-protection services and emergency medical and ambulance services.

SALVAGE SERVICES shall mean places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.


Aerial of a Sand and Gravel Operation

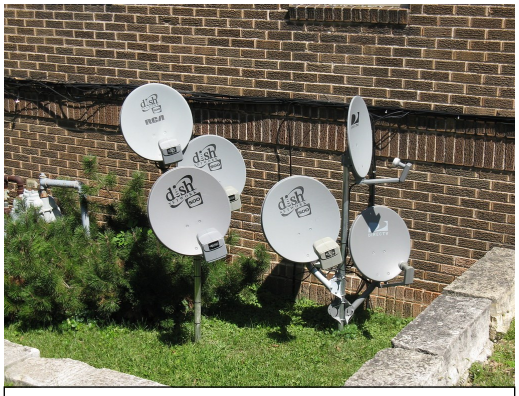
SAND OR GRAVEL PIT shall mean land used for the extraction of sand and/or gravel for public and/or commercial use.

SANITARY LANDFILL shall mean a type of operation in which garbage and refuse, or garbage, or refuse is deposited by a plan on a specified portion of land, and is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and/or refuse, which are closed at the end of each day, and to a depth of at least twenty-four inches over the finished land fill.


Aerial view of a Sanitary Landfill

SANITARY TRANSFER STATION shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.



Example of Satellite Dish Antenna

SCHOOL, BUSINESS OR TRADE shall mean a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

SCHOOL, DAY, PRE-, OR NURSERY shall mean a school or center for children under school age, whether licensed as a day care center or not. Such shall be approved by the Nebraska State Fire Marshall as being in conformance with safety provisions pursuant to the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

SCHOOL, PRIVATE shall mean a school or educational institution that is not supported by public tax dollars and is owned and operated by a religious or private entity.

SECRETARY, HISTORIC PRESERVATION COMMISSION shall mean the staff member appointed by the City Administrator to serve the Historic Preservation Commission.

SECRETARY OF THE INTERIOR'S "STANDARDS FOR EVALUATION AND REGISTRATION" shall mean criteria and procedures for the evaluation and designation of historic properties promulgated by the U.S. Department of the Interior, National Park Service, set out in 48 F.R. 44716.

SECRETARY OF THE INTERIOR'S "STANDARDS FOR IDENTIFICATION" shall mean criteria and procedures for the survey of landmarks or landmark districts promulgated by the U.S. Department of the Interior, National Park Service, set out in 48 F.R. 44716.

SECRETARY OF THE INTERIOR'S "STANDARDS FOR REHABILITATION" shall mean the ten standards promulgated by the U.S. Department of the Interior to guide alterations to a landmark or property within a landmark district, set out in 36 C.F.R. Part 67.

SCREENING shall mean a structure or planting that conceals from public view the area behind such structure or planting.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SEPTIC SITE shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SERVICE STATION shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

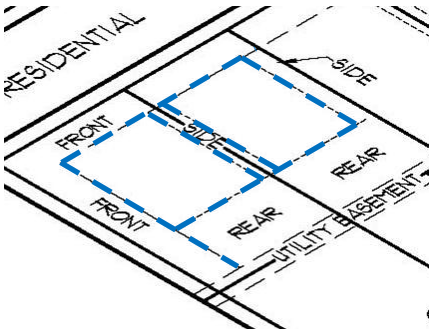
SETBACK shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eve or other similar building component located closest to the lot line.

SETBACK LINE, FRONT YARD see Yard, Front

SETBACK LINE, REAR YARD see Yard, Rear

SETBACK LINE, SIDE YARD see Yard, Side

SETBACK LINE, STREET SIDE YARD see Yard, Street Side.



Setback Lines

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, fronting on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

SHORT-TERM RENTALS shall mean any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIDEWALK CAFÉ shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.


Sidewalk Cafe

SIGHT TRIANGLE shall mean an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under overlay districts provisions of this ordinance.

SITE BREAK shall mean a structural or landscape device used to interrupt long vistas and create visual interest in a site development.

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SKATE, IN-LINE shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

SKATE RINK shall mean a facility with an expanse of ice artificially made for skating, or a floor used for roller skating.

SKATEBOARD shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

SKATEBOARD or HALF PIPE shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.



Example of a Skate Park



Example of a Skate Rink

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLAUGHTERHOUSE shall mean any building or premises used for the killing or dressing of cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat and preparation of meat products, not to be considered a custom butcher shop.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

SPECIAL FLOOD HAZARD AREA (SFHA) shall mean the floodplain area on a flood insurance rate map delineated into zones based on the level of flood risk. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

SPORTING FACILITIES, EXTREME shall mean a facility for individual sports including axe throwing, target shooting with either firearms or bow equipment, golf, and similar uses. The facility may or may serve food, non-alcoholic beverages, or alcoholic beverages.

SPORTSMAN'S CLUB is a recreational area or facility, and its accessory retail sales and services, containing space used for hunting, shooting, or firing rifles, shotguns, pistols, skeet or traps, fishing, and other similar sports.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STABLE AND/OR RIDING ACADEMIES shall mean the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

An equestrian facility is created and maintained for the purpose of accommodating, training, or competing

equids, especially horses. Based on their use may be known as a barn or stables, riding hall, and may include commercial operations described by terms such as a boarding stable, livery yard, or livery stable.

Larger facilities may be called an equestrian center and co-located with complementary services such as a riding school, farriers, vets and tack shops or equipment repair.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STOCKPILING shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

STORAGE CONTAINER, PORTABLE shall mean any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is Portable On Demand Storage.



Example of a Storage Container

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.



Example of Detention Area for Stormwater

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City or county with controlled access to abutting property.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, COURT shall mean an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

1. Serves twelve or fewer housing units or platted lots.
2. Does not function as a local street because of its alignment, design, or location, Is completely internal to a development. Does not exceed 600 feet in length.



Example of Street Curvilinear

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREET, MAJOR shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

STREET, SIDE YARD shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET FRONTAGE shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

STREET LINE shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

SUBDIVISION REGULATIONS shall mean the official Subdivision Regulations of the City of Hickman.

SUBORDINATE USE shall mean a subordinate use incorporates the requirement that the accessory use be minor in relation to the permitted primary use. Common factors to consider in determining whether a use is subordinate

1. Area devoted to the use.
2. Frequency of the use.
3. Active versus passive activities.
4. Number of employees and work hours.
5. Whether the use is truly subordinate to the primary use or whether it is a different, alternative, additional use.

SUBSTANTIAL COMPLETION shall mean the point where the owner can make use of the building or facility and ordinarily only minor work remains, i.e., punch list items.

SUBSTANTIAL IMPROVEMENT shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or life safety codes or regulations.

SUBSTANTIAL INCREASE shall mean 50 to 100 percent.

SUBSTANTIAL PERFORMANCE shall mean fulfillment of the obligations agreed to, with only slight variances from the exact terms and/or unimportant omissions or minor defects.

SUBSTANTIAL PROGESS shall mean that which satisfies its purpose or objective even though its formal requirements are not complied with.

SUBSTATIONS shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

SURPLUS SALES shall mean businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

TANNING STUDIO shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

TATTOO PARLOR/BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN see Bar.

TAXIDERMY SERVICES shall mean an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

TEMPORARY SHELTER shall mean a structure used as a day facility or temporary dwelling for abuse victims, transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational, or philanthropic institution.

TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

TEMPORARY WALKWAY shall mean a walkway is provided for any time a sidewalk is taken out of commission due to construction. It is required to be wide enough for safe passage, accessible for people in wheelchairs, protected from construction debris, signage that directs people, temporary wooden ramps where needed and generic barriers that protect pedestrians walking in the street.



Example of a Temporary Walkway (Source: Yodock.com)

TERRACE shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and limited audience participation or meal service.


Example of a Drive-in Theater

THEATER, DRIVE-IN shall mean an establishment (such as a theater or restaurant) or a place where people can watch movies outdoors while sitting in their cars.

TINY HOUSE see Dwelling Unit, Special Types

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications.

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRACT shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

TRAILER shall mean a vehicle without motive power, designed to carry property and be drawn by a motor vehicle. Trailers up to 20 feet in length as measured from the tongue to the rear of the trailer shall be considered Recreation Vehicles. Trailers that exceed 20 feet as measured from the tongue to the rear of the trailer shall be considered Heavy Commercial Vehicles.
Trailers are typically categorized as:

1. **Fifth-wheel Trailer**- A travel trailer designed to be affixed to, and towed by, a vehicle with a special hitch that attaches near the axel of the vehicle.
2. **Folding camper trailer**- A light-weight unit with sides that collapse for towing or storage and is sometimes referred to as a fold-down camper, pop-up trailer or tent trailer.
3. **Hauling trailer**– A flatbed or box trailer designed to carry property and to be drawn by a motor vehicle, excluding a boat trailer with a boat on it.
4. **Travel trailer**– A trailer designed and constructed to be used primarily for temporary living quarters for recreational purposes.



Example of a Travel Trailer

TRANSITIONAL HOUSING shall mean a community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.



Example of Tree Cover

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

TREE PROTECTION DEVICES shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

TRUCK WASH shall mean a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.

U

UPPER STORY HOUSING shall be defined as one or more dwelling units located above the first floor of a building, where allowed, within a commercial district.

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety, and general welfare.

USE, CONDITIONAL shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USE, NON-CONFORMING shall mean any use of a building or premises which on the effective date of this ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located.

USE, PRINCIPAL shall mean the main use of land or building as distinguished from a subordinate or accessory use.

USE, PROHIBITED shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

USE, TEMPORARY shall mean impermanent uses of an occasional nature not exceeding six months maximum duration. Tem-porary uses shall not involve the use of permanent structures, permanent signs or portable signs. Uses of a sea-sonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent build-ing shall not be considered temporary uses.

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT see Easement

UTILITY HARDWARE shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION SYSTEM OF" shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

V

VALUE shall mean the estimated cost to replace a structure in kind, based on current replacement costs.

VARIANCE shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATIVE COVER shall mean trees, perennial bunchgrasses and grasslands, legumes, and shrubs with an expected life span of at least 5 years.

VEGETATION shall mean trees, shrubs, and vines.

VEHICLE, COMMERCIAL (HEAVY) shall mean any vehicle other than a personal vehicle or Recreation Vehicle as defined herein. Heavy commercial vehicles, include but are not limited to, Class A motor homes, farm machinery, tractor trailers, trailers over 20 feet in length, and vehicles over 10 tons gross weight.

VEHICLE BODY SHOP shall mean a facility which provides vehicle collision repair services, including body frame straighten-ing, replacement of damaged parts, and painting, but does not include mechanical engine or power train repair.

VEHICLE SALES shall mean the storage and display for the retail or wholesale sale, rental, or lease of more than two new or used vehicles, and which may include facilities for the incidental repair or body work of vehicles.

VEHICLE SERVICE OR REPAIR shall mean a facility providing major vehicle repair such as tire capping, bodywork, frame straightening, welding, painting, storage of nonoperable vehicles and the sale of motor fuels, tires and lubricants for retail sale directly to the motorist consumer. As an accessory use, the selling of vehicles with salvage titles may occur on a limited basis provided they are stored in a building. Vehicles with salvage titles may be stored in the rear yard of the property provided the vehicles are not stacked on top of other vehicles and materials and are permanently screened from view to a height of at least six feet with at least 50 percent opacity. The sale of used parts other than as an incidental part of the business is prohibited.

VEHICLE, COMMERCIAL (LIGHT) shall mean a personal vehicle used for home occupations, or any other business purposes as indicated by the display of logos, business names, and/or modification of the vehicle to carry business-related equipment.

VEHICLE, PERSONAL shall mean a passenger car, passenger van, minivan, sport utility vehicle, pickup truck, and/or motorcycle that is: (1) licensed for use on public streets, (2) designed primarily for the transportation of people as opposed to equipment, freight, or other vehicles, and (3) sold primarily to individuals for personal use.

VEHICLE, MOTOR see Motor Vehicle.

VEHICLE STORAGE shall mean storage of operating or nonoperating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VEHICLE STORAGE, LONG TERM shall mean storage of operating or nonoperating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VENDING MACHINE shall mean any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.

VENDING MACHINE, REVERSE shall mean an automated mechanical device that accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans and glass or plastic bottles and that issue a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

VETERINARY SERVICES shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall, or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys, or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

W

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.



Example of Warehouse Club Operation

WAREHOUSE CLUB OPERATION shall mean an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WAREHOUSING (ENCLOSED) shall mean uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

WAREHOUSING (OPEN) shall mean uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.

WASTEWATER LAGOON see Lagoon.

WATERCOURSE shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, washes, ditches, and underground drainage and sewage systems.

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material, or artificial, public, or private, situated wholly within or bordering upon the state.

WATER WELL shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in section 81-1502 into the underground water reservoir.

WATER WELL, IRRIGATION shall mean any excavation made for any purpose if ground water flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation. For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation.

WELL, GEOTHERMAL shall mean any excavation that is constructed or used for the thermal properties of the resource contained within, or which is constructed or used for returning such resource to an under-ground reservoir. In Nebraska a Geothermal Well is considered a Water Well by definition.

WELL, PRIVATE shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water for purposes of potable or non-potable purposes on private property.

WELLFIELD shall mean a tract of land that contains a number of existing or proposed wells for supplying water as specified in the wellfield protection maps.

WETLAND shall mean an area that is inundated or saturated by surface water or ground water at a

frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetative cover typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetative cover.

WETLAND, SALINE shall mean an area that is saturated by salty soils and water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of salt-tolerant vegetative cover typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetative cover.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean the selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In additional to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting, and grading goods in large lots, breaking bulk, and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WINE shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits and vegetables, contain sugar, including such beverages when fortified by the addition of alcohol or spirits.

WINERY, FARM shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished product is grown in this state or which meets the requirements of section §53-123.13 R.R.S. Neb. (1943).s.

X

XERISCAPING shall mean landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.



Example of Xeriscaping

Y

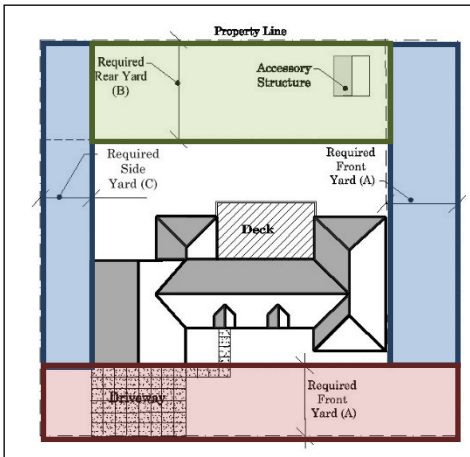
YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line and between each side yard.

YARD, SIDE shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

YARD, STREET SIDE shall mean a yard on a corner lot that is not determined to be the front yard by the orientation of the house or street designation. Extending from the front yard setback line to the opposite property line.



Example of different Yard Requirements

YURT shall mean a permanently built on a wooden platform using modern materials such as steam-bent wooden framing or metal framing, canvas or tarpaulin, plexiglass dome, wire rope, or radiant insulation.



Example of a Yurt

Z

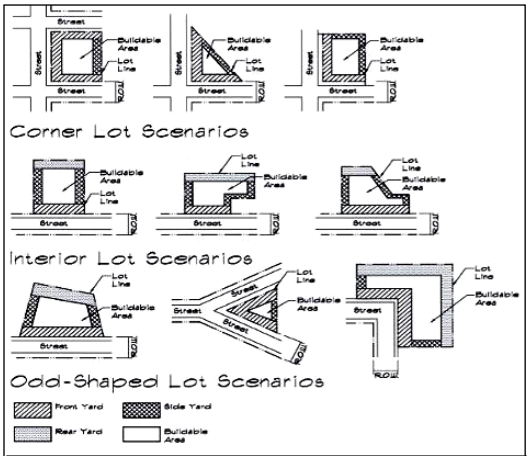
ZERO LOT LINE shall mean the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this chapter.

ZONING DISTRICT see District

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

ZONING LOTS, ODD SHAPED SCENARIOS shall mean lots not conforming to a standard shape and configuration.



Zoning Lots, Odd Shaped Scenarios

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within one mile of the corporate boundaries, the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

1. The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. 2023-11 of the City of Hickman, Nebraska", together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Ordinance No. (2022-06)) of the City of Hickman Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Neb. Rev. Stat. §19-901, it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the City.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time ten days prior to such hearing.

Section 4.03 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.04 Zoning Affects Every Building and Use

No building or land shall hereafter be used or reused, and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 4.05 Lot

1. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning Commission and approved by the City Council.
   A. Institutional buildings
   B. Public or semi-public buildings
   C. Multiple-family dwellings
   D. Commercial or industrial buildings
   E. Home for the aged
   F. Agricultural buildings
   G. Planned Unit Developments

Section 4.06 Reductions in Lot Area Prohibited

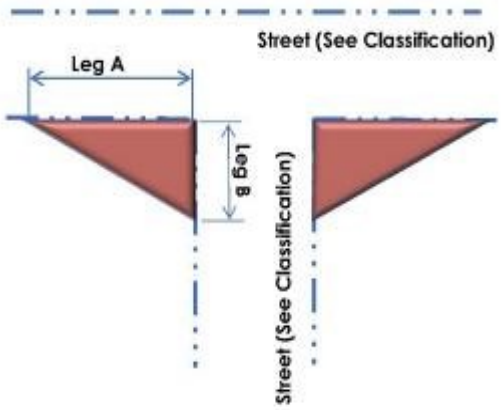
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.07 Obstructions to Vision at Street Intersections Prohibited

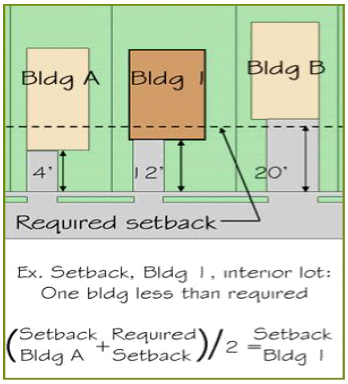
On a corner lot, within the area formed by the center line of streets there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. The following table shall be used in order to determine the required distances at an intersection.

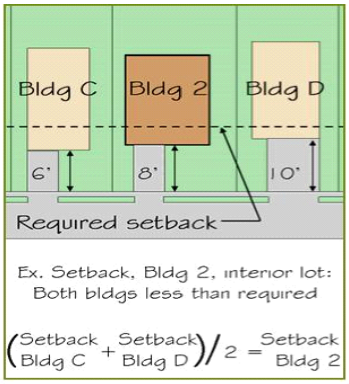
		Leg Distance "A" Distance in Feet		
Intersecting Classification	***Leg Distance "B" Distance in Feet***	***Local Street***	***Collector***	***Arterial***
Driveway/Frontage	50	60	75	90
Local Street	60	60	75	90
Collector	75	60	75	90
Arterial	90	60	75	120
County Road (any classification)	150	150	150	150
State or Federal Highway	150	150	150	150

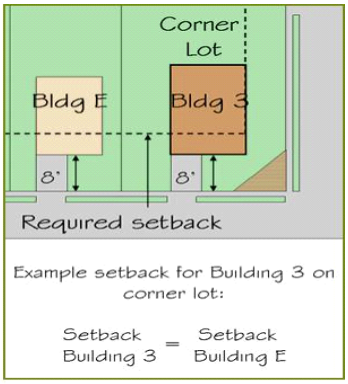
Section 4.08 Yard Requirements



1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
3. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
4. All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
5. The Zoning Administrator may permit a relaxation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) More than 30 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions.







6. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and the owner shall install and maintain landscaping and planting suitable to provide effective screening.
7. Any yard for a commercial use located within any Commercial Zoning District, which is adjacent to any residential use, or district shall be increased to a minimum of 25 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.
8. Any yard for an industrial use located within any Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to a minimum of 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.

Section 4.09 Drainage

No building, structure, or use shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands.

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

Section 4.10 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards; except when within the prescribed sight triangle:

1. All Yards:
   - Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act 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.
   - Open, uncovered porches not over six inches in height projecting up to 10 feet, provided projection does not extend within two feet to any lot line.
   - Playground and other recreational equipment.
   - Clothes lines.
   - Approved freestanding signs.
   - Arbors and trellises.
   - Flag poles.
   - Window air conditioners projecting not more than 18 inches into the required yard; and
   - Fences or walls subject to applicable height restrictions are permitted in all yards.
2. Rear, Street Side Yard, and Side Yards:
   - Open off-street parking spaces
   - Outside elements of central air conditioning systems, projecting not more than 36 inches into the required yard.
   - Emergency egress systems for basements on any structure.
3. Double Frontage Lots: The required front yard shall be provided on each street, unless access is restricted by the City onto the higher street classification.
4. 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.
5. As a part of single-and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade on the lot on the side of the structure where such porch or deck is located, may extend:
   - Three feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets '.such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.

- Eight feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further 1.) That in no event may such porch or deck cover more than 96 square feet of the required front yard or extend beyond the side walls of the building structure, and 2.) Front decks or porches shall not be higher than 30 inches above ground and or no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Inspector, and 3.) Covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed-12 inches.
- Safety railings shall be installed as per-the City's Building Code and as approved by the Building Inspector.
- One-half of the distance into the required rear yard, but in no event closer than five feet to any property line.
- Projections from Buildings including uncovered porches, decks, or projections higher than 30 inches above grade may project off the first story and may extend 10 feet into the rear yard setback but in no event not closer than five feet to the property line.

Section 4.11 Accessory Building and Uses

1. No accessory building or structure shall be constructed on a lot without a principal building or structure.
2. In no event shall a portable storage container be used as permanent storage/accessory building within any residential district, unless they meet the criteria found in Section 4.23.
3. No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
4. No accessory building shall be constructed in the required front yard.
5. No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot (see Section 4.10 (3)).
6. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than six feet.
7. When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.12 (6) above.
8. When a detached garage has access to an alley, the rear yard setback shall be increased to 10 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise, it shall be a minimum of five feet.
9. Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
   A. The carport shall be anchored to the ground.
   B. Carport shall not be allowed to have more than two sides covered with a siding material.
   C. Siding material shall match the style of the primary structure on the lot.
   D. Shall meet all minimum setbacks.
10. Detached private garages and outbuildings in the R-2 and R-O Districts within the corporate limits of Hickman for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed to meet the following:
    A. Be constructed of materials that are in good repair,
    B. The square footage shall be limited to 75 percent of the square footage of the main floor area of the primary structure ,
    C. The sidewalls of said building shall not exceed 15 feet in height,
    D. Garages shall have an overhang of at least six inches,
    E. Garages shall have a maximum width of 40 feet,
11. Regulation of accessory uses shall be as follows:
    A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

Section 4.12 Permitted Modifications of Height Regulations

1. The height limitations of this Ordinance shall not apply to:
   Provided 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.

Air-Pollution Prevention Devices	Ornamental Towers and Spires
Belfries	Public Monuments
Chimneys	Radio/Television Towers less than 125 feet tall
Church Spires	Silos and grain elevators
Conveyors	Smokestacks
Cooling Towers	Stage Towers or Scenery Lots
Elevator Bulkheads	Storage Tanks
Commercial Elevator Penthouses	Water Towers and Standpipes
Fire Towers	Web cameras and meteorological equipment
Flag Poles	Individual wind turbines and solar panels
Ham radio antennae	

2. 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 4.13 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 and a certificate of occupancy has been issued by the City, and any required emergency egress requirements of the City of Hickman have been installed as required per state and life-safety codes.

Section 4.14 Nonconforming, 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.

Section 4.15 Nonconforming Lots of Record

In any district, notwithstanding limitations imposed by other provision of this ordinance, a primary structure 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. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.16 Nonconforming Structures

1. 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.
2. Enlargement, Repair, Alterations: Any such structure described in Section 4.16 (1) 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 conformance with this section, and unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.
3. Damage or Destruction: In the event that any structure described in Section 4.16 (1) is

damaged or destroyed, by any means other than intentional destruction, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided structures located on a lot not in compliance with the applicable lot size requirements in Section 4.16, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

Complete reconstruction of a nonconforming structure may be allowed through a Conditional Use Permit if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.

4. Moving: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 4.17 Nonconforming Uses

1. Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
   A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this ordinance.
   B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
   C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

2. Nonconforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
   A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
   B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
   C. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the board of adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance.
   D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
   E. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
   F. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.18 Repairs and Maintenance

1. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.19 Building Quality

1. Any building, house or structure erected or structurally altered shall maintain the characteristics and integrity of the district in which it is located.
2. No building, house or structure shall be erected or structurally altered unless the architectural design and materials used in such construction conform to the provisions of this Ordinance and/ or are considered acceptable in common or practiced construction.
3. No unsightly building, house or structure shall be erected nor shall buildings, houses, or structures be allowed to remain in an unfinished condition for a period of more than 60 days without substantial improvement.
4. No building, house or structure shall be allowed to remain in an unsafe, demolished, or dangerous condition in any zoning district for a period of more than 60 days.

Section 4.20 Uses under Conditional Use Permit not Nonconforming Uses

Any use for which a conditional use has been issued as provided in previous ordinances shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

Section 4.21 Rear Yard Setbacks Reduction

The rear yard setback may be the lesser of the required setback in a district or 20 percent of the depth of the lot.

Section 4.22 Swimming Pools

1. All above ground over three feet in height or in ground swimming pools constructed within the zoning jurisdiction of the City of Hickman shall be constructed in compliance with all local, state and federal codes.
2. Drainage of said swimming pool must not be onto adjoining property.
3. There shall be no drainage of said swimming pool into the sanitary sewer system of the City.
4. Drainage may be permitted into the storm sewer provided the chemicals contained in said swimming pool are first diluted.
5. All chemicals for said swimming pool must be stored in a secure area.

Section 4.23 Permitted Outdoor Storage Containers in Residential Districts

1. All containers shall be attached to a permanent foundation.
2. Containers used as storage shall be painted to:
   A. Cover all existing markings
   B. Meet the colors of the primary structure,
3. Containers used as a residence or accessory dwelling unit shall meet the requirements found in Section 11.24

Section 4.24 Prohibited Uses

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Ordinance are prohibited until such time as the Ordinance is amended accordingly.

Section 4.25 Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the City Council by separate Resolution.

ARTICLE 5: ZONING DISTRICTS

Section 5.01 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into 12 districts, designated as follows:

(TA-1)	Transitional Agricultural District
(RE)	Residential Estates District
(R-1)	Low Density Residential District
(R-2)	Medium Density Residential District
(R-3)	High Density Residential District
(R-O)	Original Residential District
(R-M)	Mobile Home Residential District
(M-U)	Mixed Use District
(C-1)	Central Business District
(C-2)	General Commercial District
(I-1)	Light Industrial District
(I-2)	Heavy Industrial District

Section 5.02 Districts; Boundaries and Official Zoning Map

The boundaries of the districts are hereby established as shown on the map entitled "Official Zoning Map of the City of Hickman, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map.

Section 5.03 Rules for Interpretation of District Boundaries on the Official Zoning Map

1. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
2. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
7. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
8. Boundaries indicated as parallel to, or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Zoning Adjustment shall interpret the district boundaries.
10. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
11. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
12. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Land Use Categories Matrix Explanation

The Matrix found in Section 5.07 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.

The different uses within Section 5.07 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application
2. Look across the table and determine which of the Zoning Districts it may be allowed.
3. Determine any special criteria for the use(s) by referring to the specific District.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When doubt, please confer with Planning staff.

The Table in Section 5.07 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 5.05 Use Classifications

Ten Rules for Classifying a Use.

1. When the use regulations are ambiguous, use classifications will likely be strictly construed in favor of the landowner.
2. Refer to and rely on the definitions in the zoning ordinance.
3. When classifying a use, all possible uses within the district should be considered.
4. Use classifications should not be based on the proposed use's proximity to other uses.
5. The activity itself, not the activity's accoutrements, determine the type of use.
6. Whether a use is appropriate in the district may not be considered.
7. Use classifications must be based on legitimate land use considerations, and not on illegitimate or personal reasons.
8. For uses of structures, look to their function rather than their form.
9. The use itself, not the owner or the nature of the owner, should determine the classification.
10. When the use regulations are ambiguous, the purpose and intent of the district should be considered.

Determining whether a use is accessory.

Common Factors to Consider in Determining Whether a Use is Subordinate.

1. Area devoted to the use.
2. Frequency of the use.
3. Active versus passive activities.
4. Number of employees and work hours.
5. Whether the use is truly subordinate to the primary use or whether it is a different, alternative, additional use.

Common Factors to Consider in Determining Whether a Use is Customary.

1. The size of the parcel.
2. The nature of the primary use of the parcel.
3. The use made of the adjacent parcels.
4. The economic structure of the area.
5. Whether the proposed use is customary within the locality and the region.

Section 5.06 Annexation and Conformance with the Land Use Plan

Areas annexed into the corporate limits of Hickman shall be zoned to conform to the Future Land Use Plan.

Section 5.07 Land Use Matrix

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary A=Accessory building or use "- "= not permitted *1 = Floodplain regulations shall be met	TA-1 = Transitional Agriculture R-E = Residential Estates R-1 = Low Density Residential R-2 = Medium Density Residential R-3 = High Density Residential RO = Original Residential District RM = Mobile Home Residential MU = Mixed Use C-1 = Central Business District C-2 = General Commercial I-1 = Light Industrial i-2 = Heavy Industrial

Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	1-1	I-2	Additional Requirements
Agriculture & Horticulture Uses	Agricultural buildings for general ag. use	P	-	-	-	-	-	-	-	-	C	P	P	
	Agricultural operations, other than LFOs	E	-	-	-	-	-	-	-	-	C	P	P	
	Class I LFO	C	-	-	-	-	-	-	-	-	-	C	C	
	Class II LFO	C	-	-	-	-	-	-	-	-	-	C	C	
	Community Gardens	E	P	P	P	P	P	P	P	P	-	P	P	
	Crop Production	E	-	-	-	-	-	-	-	-	C	P	P	
	Livestock for 4-H purposes as a Secondary use	P	-	-	-	-	-	-	-	-	-	-	-	
	Livestock sales	C	-	-	-	-	-	-	-	-	C	P	P	
	Wineries/Vineyards	C	C	-	-	-	-	-	C	-	-	P	P	
Agricultural Sales & Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	-	-	-	-	-	-	-	-	-	C	C	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	E	-	-	-	-	-	-	-	-	-	C	C	
	Agricultural implement & vehicle sales and service	C	-	-	-	-	-	-	-	-	-	P	P	
	Agricultural research farm	P	-	-	-	-	-	-	-	-	-	C	C	
	Agricultural processing	C	-	-	-	-	-	-	-	-	-	C	C	
	Agriculture feed mixing and blending, seed sales and grain handling operations	C	-	-	-	-	-	-	-	-	-	P	P	
	Equestrian centers and stables/Commercial stables	P	C	-	-	-	-	-	-	-	-	-	-	
	Horses and other non-commercial livestock on residential lots	P	P	P	-	-	-	-	-	-	-	-	-	
Residential Living	Dwelling, Cottage Court	-	-	-	C	P	P	-	-	-	-	-	-	See Section 11.18
	Dwelling, Courtyard Building	-	-	-	C	P	P	-	-	-	-	-	-	See Section 11.18
	Dwelling, Live-Work Unit	-	-	P	P	P	P	-	-	-	-	-	-	
	Dwelling, Special Types	C	C	C	C	C	C	-	-	-	-	-	-	See Section 11.24
	Dwelling, Triple Stacked	-	-	-	C	P	P	-	-	-	-	-	-	See Section 11.18
	Multi-family dwelling (max. of 4 units per building)	-	-	P	P	P	P	C	C	-	-	-	-	See Section 11.18
	Multi-family dwelling (more than 4 units per building)	-	-	-	C	P	P	C	C	-	-	-	-	See Section 11.18
	Condominiums (max. of 4 units)	-	-	P	P	P	P	-	-	-	-	-	-	See Section 11.18
	Condominiums (4 units or more)	-	-	-	C	P	P	-	-	-	-	-	-	See Section 11.18
	Mobile Home Dwelling	-	-	-	-	-	-	P	-	-	-	-	-	
	Mobile Home Dwelling as secondary dwelling	C	-	-	-	-	-	-	-	-	-	C	C	
	Seasonal dwelling or cabins	P	-	-	-	-	-	-	-	-	-	-	-	
	Single-family attached dwelling (max. of 4 units)	-	-	P	P	P	P	-	-	-	-	-	-	See Section 11.18
	Single-family attached dwelling (more than of 4 units)	-	-	-	C	P	P	-	-	-		-	-	See Section 11.18
	Single-family detached dwellings	P	P	P	P	P	P	-	-	-	-	-	-	
	Two-family/Duplex	-	-	P	P	P	P	-	-	-	-	-	-	
	Two Family Stacked	-	-	P	P	P	P	-	-	-	-	-	-	
	Upper story housing	-	-	-	-	-	-	-	P	P	P	-	-	

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Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	1-1	I-2	Additional Requirements
Residential/Commercial Institutions	Adult care homes	P	P	P	P	P	P	P	-	P	P	-	-	
	Assisted Living Facilities	P	P	P	P	P	C	C	C	C	-	-	-	
	Bed and Breakfast	P	P	C	C	-	-	-	-	-	-	-	-	See Section 11.14
	Convents	P	P	C	C	-	-	-	-	-	-	-	-	
	Emergency Residential Services/Shelters	P	P	P	P	P	P	P	P	P	C	-	-	
	Group Care Home	P	P	P	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	-	P	P	
	Hospice	P	P	P	P	P	P	P	P	P	-	-	-	
	Life Care Facility	P	P	P	P	P	C	C	C	C	C	-	-	
	Monasteries	P	C	C	C	-	-	-	-	-	-	-	-	
	Nursing Homes	P	C	C	C	-	C	C	C	C	-	-	-	
	Retirement Homes	-	C	C	C	-	C	C	C	C	-	-	-	
	Transitional housing	P	P	P	P	P	P	P	P	P	P	P	P	
Community Services/Civic Uses	Animal shelters	P	-	-	-	-	C	C	C	C	C	P	P	
	Cemetery	P	C	C	-	-	-	-	-	-	-	-	-	
	Churches, synagogues, temples & similar	C	P	P	P	P	P	P	P	P	P	P	P	
	Church, Storefront	-	-	-	-	-	C	C	C	C	-	P	P	
	Community centers & buildings	C	C	C	C	C	P	P	P	P	P	P	P	
	Fraternal organization	C	C	C	C	C	P	P	P	P	P	P	P	
	Governmental offices and uses, incl: fire and rescue, law enforcement centers	P	P	P	P	P	P	P	P	P	P	P	P	
	Public libraries and museums	P	P	P	P	P	P	P	P	P	P	P	P	
	Philanthropic Organizations	C	C	C	C	C	P	P	P	P	P	P	P	
	Planetariums	C	-	-	-	-	-	-	P	P	-	-	-	
	Senior citizen centers	C	C	C	C	C	P	P	P	P	C	P	P	
Treatment, Rehabilitation, Incarceration Facilities	Community correction centers	C	-	-	-	-	-	-	-	C	-	C	C	
	Drug & alcohol rehabilitation centers	C	C	-	-	-	C	C	C	C	-	C	C	
	Halfway houses	P	P	P	P	P	P	P	P	P	P	P	P	
	Public Detention Center	C	-	-	-	-	-	-	-	C	C	P	P	
	Juvenile Detention Center	C	-	-	-	-	-	-	-	C	C	P	P	
	Private Prisons	C	-	-	-	-	-	-	-	C	C	P	P	
	Public Prisons	C	-	-	-	-	-	-	-	C	C	P	P	
Child-care, Public and Private Schools	Adult care home	P	P	P	P	P	P	P	P	C	-	-	-	
	Child care center	C	C	C	C	C	C	C	P	P	P	P	P	
	Child care home	P	P	P	P	P	P	P	P	P	P	P	P	
	Colleges and Universities	C	C	C	C	C	-	P	P	P	P	P	P	
	Family child care home I	P	P	P	P	P	P	P	P	P	P	-	-	
	Family child care home II	P	P	P	P	P	P	P	P	P	P	-	-	
	Preschools	C	P	P	P	P	P	C	P	P	P	-	-	
	Public and private schools (K-12)	C	C	C	C	C	P	P	P	P	P	P	P	
	Trade, career & technical schools	C	-	-	-	-	C	C	C	C	C	P	P	

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Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	I-1	I-2	Additional Requirements
Public Parks and Open Space	Arboretums	P	P	P	P	P	P	P	P	P	P	P	P	
	Athletic fields	C	C	C	C	C	P	P	P	P	P	P	P	
	Campground	C	-	-	-	-	-	-	-	C	-	-	-	
	Nature centers	C	-	-	-	-	-	-	C	C	C	-	-	
	Parks, trails, picnic areas, & playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	
	State parks	P	P	P	P	P	P	P	P	P	P	P	P	
	Public pools and/or water parks	P	P	P	P	P	P	P	P	P	P	-	-	
Public/Private Utilities And Communication Services	Natural gas exploration and pumping	C	-	-	-	-	-	-	-	C	C	C	C	
	Natural gas depots	C	-	-	-	-	-	-	-	C	C	C	C	
	Private Wells	P	P	P	-	-	-	-	-	-	-	-	-	See Section 11.23
	Wind Energy Conversion Sys. – Commercial/Utility Grade	C	-	-	-	-	-	-	-	-	C	C	C	See Section 11.07
	Public works facilities incl. storage/maintenance areas	P	P	P	P	P	P	P	P	P	P	P	P	
	Wireless telecommunication facilities sys. - new tower	C	C	C	-	-	C	C	C	C	C	C	C	See Section 11.02
	Wireless telecommunication facilities sys. - collocated	P	P	P	-	-	P	P	P	P	P	P	P	See Section 11.02
	Radio and tower transmitter (Shortwave and Ham operations) (no offices)	P	C	C	C	C	C	C	C	C	C	C	C	
	Data centers	C	-	-	-	-	-	-	-	-	-	C	C	
	Crypto mining	C	-	-	-	-	-	-	-	-	-	C	C	
Animal Care	Animal Shelter	P	-	-	-	-	-	-	-	P	P	P	P	
	Kennel boarding or training	P	-	-	-	-	-	-	-	P	P	P	P	
	Kennel, commercial	P	-	-	-	-	-	-	-	P	P	P	P	
	Kennel, private	P	-	-	-	-	-	-	-	P	P	P	P	
	Pet cemetery	C	-	-	-	-	-	-	-	-	-	-	-	
	Pet crematorium	C	-	-	-	-	-	-	-	C	C	P	P	
	Pet grooming, Pet training	C	-	-	-	-	P	P	P	P	P	P	P	
	Animal hospital	C	-	-	-	-	-	-	P	P	P	P	P	
Business and Household Services	Building maintenance & cleaning services	C	-	-	-	-	-	-	P	P	P	P	P	
	Copying, printing, mailing, & packaging services	C	-	-	-	-	-	-	P	P	P	P	P	
	Lawn, garden & yard maintenance services	C	-	-	-	-	-	-	P	P	P	P	P	
	Locksmiths and key duplication	C	-	-	-	-	-	-	P	P	P	P	P	
	Pest control services	C	-	-	-	-	-	-	-	P	P	P	P	
	Small appliances & household equipment repair	C	-	-	-	-	-	-	-	P	P	P	P	
	Well drilling/septic tank cleaning	C	-	-	-	-	-	-	-	P	P	P	P	
Financial Services	Banks	-	-	-	-	-	-	-	P	P	P	P	P	
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	-	P	P	P	P	P	
	Brokerages	-	-	-	-	-	-	-	P	P	P	P	P	
	Credit Unions	-	-	-	-	-	-	-	P	P	P	P	P	
	Insurance offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Financial advisory services	-	-	-	-	-	-	-	P	P	P	P	P	
	Specialty loan services	-	-	-	-	-		-	P	P	P	P	P	

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Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	1-1	I-2	Additional Requirements
Food and Beverage Services	Banquet/reception facility	C	-	-	-	-	-	-	C	C	C	C	C	
	Brew-on Premises Store	-	-	-	-	-	-	-	P	P	P	P	P	
	Brewery	C	-	-	-	-	-	-	C	C	C	C	C	
	Craft Brewery (Commercial)	C	-	-	-	-	-	-	P	C	C	C	C	
	Catering service	C	-	-	-	-	-	-	C	C	C	P	P	
	Donut and pastry shops	-	-	-	-	-	-	-	P	P	P	P	P	
	Mobile Food Units	T	-	-	-	-	-	-	T	T	T	T	T	See Section 11.17
	Restaurants	C	-	-	-	-	-	-	P	P	P	P	P	
	Roadside produce stands	T	T	T	T	-	-	-	T	T	T	T	T	See Article 8
	Sidewalk Café	-	-	-	-	-	-	-	P	P	P	-	-	See Section 11.15
	Tavern or bar	-	-	-	-	-	-	-	P	P	P	C	C	
	Coffee houses, coffee shops	-	-	-	-	-	-	-	P	P	P	-	-	
	Brew pub	-	-	-	-	-	-	-	C	C	C	C	C	
	Micro-brewery (Commercial)	-	-	-	-		-	-	C	C	C	C	C	
	Coffee kiosks	C	-	-	-	-		-	P	P	P	P	P	
General Commercial	Antiques, collectables shop, and art galleries	C	-	-	-	-	-	-	P	P	P	P	P	
	Artisan production shop and studio, including pottery, painting, stain glass, etc.	C	-	-	-	-	-	-	P	P	P	P	P	
	Bridal sales & services	-	-	-	-	-	-	-	P	P	P	P	P	
	Custom Butchers and meat lockers	-	-	-	-	-	-	-	-	P	P	P	P	
	Clothing & accessories	-	-	-	-	-	-	-	P	P	P	P	P	
	Computer hardware/software sales	-	-	-	-	-	-	-	P	P	P	P	P	
	Dance studios & schools	-	-	-	-	-	-	-	P	P	P	P	P	
	Electronic/appliance sales & service	-	-	-	-	-	-	-	P	P	P	P	P	
	Equipment sales/storage/rental	-	-	-	-	-	-	-	P	P	P	P	P	
	Equipment repair services	-	-	-	-	-	-	-	P	P	P	P	P	
	Fabric and sewing supply stores	-	-	-	-	-	-	-	P	P	-	P	P	
	Farmer's Market	P	-	-	-	-	-	-	P	P	P	P	P	
	Firearms and ammunition sales	-	-	-	-	-	-	-	C	C	C	C	C	
	Florists	-	-	-	-	-	-	-	P	P	P	P	P	
	Food store (specialty) including bakeries, delicatessen, not a full-service grocery	-	-	-	-	-	-	-	P	P	P	P	P	
	Funeral homes and mortuaries, including crematoriums	-	-	-	-	-	-	-	P	P	P	P	P	
	Garden center, including lawn and garden equipment sales and service	P	-	-	-	-	-	-	P	P	P	P	P	
	Gift store	-	-	-		-	-	-	P	P	P	P	P	
	Grocery	-	-	-	-	-	-	-	P	P	P	P	P	
	Hardware store	-	-	-	-	-	-	-	P	P	C	P	P	
	Heating and cooling sales and services	-	-	-	-	-	-	-	P	P	P	P	P	
	Photographic equipment & supplies	-	-	-	-	-	-	-	P	P	P	P	P	
	Religious book, card and articles stores	-	-	-	-	-	-	-	P	P	P	P	P	
	Secondhand store, thrift or consignment store	-	-	-	-	-	-	-	P	P	P	P	P	
	Self-service laundry and Laundromat	-	-	-	-	-	-	-	P	P	P	P	P	
	Tanning Studio	-	-	-	-	-	-	-	P	P	P	P	P	
	Taxidermy Services	-	-	-	-	-	-	-	P	P	P	P	P	

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Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	I-1	I-2	Additional Requirements
Special Commercial	Adult Entertainment	P	-	-	-	-	-	-	P	P	P	P	P	See Section 11.19
	Billiard halls	-	-	-	-	-	-	-	P	P	P	P	P	
	Commercial greenhouses	C	-	-	-	-	-	-	P	P	P	P	P	
	Business Center incl: co worker spaces	-	-	-	-	-	-	-	P	P	P	P	P	
	Concrete and cinder block sales	C	-	-	-	-	-	-	P	P	P	P	P	
	Convenience store	-	-	-	-	-	-	-	P	P	C	P	P	
	Fencing dealers	C	-	-	-	-	-	-	P	P	P	P	P	
	Fireworks stands	-	-	-	-	-	-	-	P	P	P	-	-	
	Gasoline filling stations, including Self-Service	-	-	-	-	-	-	-	P	P	C	P	P	
	Liquor stores/sales	-	-	-	-	-	-	-	P	P	P	P	P	
	Marijuana Dispensaries (Medical)													Not currently legal in Nebraska
	Marijuana Dispensaries (Recreational)													Not currently legal in Nebraska
	Monument sales	-	-	-	-	-	-	-	P	P	P	P	P	
	Motels and hotels	-	-	-	-	-	-	-	P	C	C	P	P	
	Nurseries, retail sales	P	-	-	-	-	-	-	P	P	P	P	P	
	Piercing Studio, Tattoo parlors	-	-	-	-	-	-	-	P	P	P	P	P	
	Vending Machines	-	-	-	-	-	A	A	A	A	A	A	A	
	Vending Machine, Reverse	-	-	-	-	-	A	A	A	A	A	A	A	
Medical Uses	Acupuncture offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Dental offices incl. orthodontics	-	-	-	-	-	-	-	P	P	P	P	P	
	Massage therapy	-	-	-	-	-	-	-	P	P	P	P	P	
	Medical offices, incl: chiropractors	-	-	-	-	-	-	-	P	P	P	P	P	
	Optical sales & services	-	-	-	-	-	-	-	P	P	P	P	P	
	Rehabilitation facilities including out-patient services	-	-	-	-	-	-	-	P	P	P	P	P	
Office Uses	Accountant and investment counseling	-	-	-	-	-	-	-	P	P	P	P	P	
	Business offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Consultant offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Lawyer/Attorney offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Photographic studios	-	-	-	-	-	-	-	P	P	P	P	P	
	Real Estate offices	-	-	-	-	-	-	-	P	P	P	P	P	
	Utility and telephone company offices	C	-	-	-	-	-	-	P	P	P	P	P	
Recreational Commercial	Bowling alley	-	-	-	-	-	-	-	P	P	P	P	P	
	Golf courses, public & private	P	P	-	-	-	-	-	-	-	P	P	P	
	Golf driving ranges	P	P	-	-	-	-	-	C	C	P	P	P	
	Gun clubs	C	-	-	-	-	-	-	C	C	C	C	C	
	Miniature golf courses	-	-	-	-	-	-	-	P	-	P	P	P	
	Paintball Course	C	C	-	-	-	-	-	-	-	C	C	C	
	Recreational facility, Indoor	C	C	-	-	-	-	-	C	C	C	C	C	
	Recreational facility, outdoor	C	C	-	-	-	-	-	C	C	C	C	C	
	Recreational vehicle (RV) Park	C	-	-	-	-	-	-	-	C	C	C	C	
	Amusement arcade	-	-	-	-	-	P	-	P	P	P	P	P	

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Auto Services/Commercial	Auto body repair	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.11
	Automotive/machinery repair shop	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.11
	Automobile/truck sales, rental & leasing	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.11
	Automobile/truck washes, self-services or automatic	-	-	-	-	-	-	-	-	-	C	P	P	See Section 11.11
	Motor home dealers	-	-	-	-	-	-	-	-	-	C	P	P	See Section 11.12
	Motorcycle dealers, incl. moped, scooters, ATV, and UTV	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.12
	Muffler sales & services	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.11
	Recreational vehicle sales & rentals	-	-	-	-	-	-	-	-	-	C	P	P	See Section 11.12
	Transmission repair shops	-	-	-	-	-	-	-	-	C	C	P	P	See Section 11.11
	Travel trailer dealers	-	-	-	-	-	-	-	-	-	C	P	P	See Section 11.12
	Vehicle Storage	-	-	-	-	-	-	-	-	-	C	P	P	
	Vehicle Storage, Long-term	-	-	-	-	-	-	-	-	-	C	P	P	
	Trailer, RV, & boat storage	-	-	-	-	-	-	-	-	-	C	P	P	
Warehousing and Storage	Fireworks storage	-	-	-	-	-	-	-	-	-	C	P	P	
	Mini warehousing & self-service storage	C	-	-	-	-	-	-	-	C	C	P	P	See Section 11.10
	Motor Freight Terminals	-	-	-	-	-	-	-	-	-	-	P	P	
	Outdoor Storage	C	-	-	-	-	-	-	-	P	P	P	P	
	Outdoor Storage Containers	-	-	-	-	-	-	-	-	-	-	P	P	
	Portable On-demand storage facilities	T	T	T	T	T	T	T	T	T	T	T	T	
	Warehouse and distribution	C	-	-	-	-	-	-	-	-	-	P	P	
	Warehousing (enclosed)	C	-	-	-	-	-	-	-	-	-	P	P	
	Warehousing (Open)	C	-	-	-	-	-	-	-	-	-	P	P	
	Wholesale business and storage	C	-	-	-	-	-	-	-	-	C	P	P	
Contractors, Contractor Yards, Storage, and Supply	Bulk materials or machinery storage (fully enclosed)	C	-	-	-	-	-	-	-	-	-	P	P	
	Carpet & rug cleaning plants	C	-	-	-	-	-	-	-	-	-	C	C	
	Construction batch plants	C	-	-	-	-	-	-	-	-	-	C	C	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	C	-	-	-	-	-	-	-	-	-	P	P	
	Trade shops incl: cabinet makers, masons and bricklayers, plumbers, electricians, carpenters, HVAC w/ limited outdoor storage	C	-	-	-	-	-	-	-	P	C	P	P	
Large Contracting/Materials Manufacturing	Asphalt contractors	-	-	-	-	-	-	-	-	-	-	C	C	
	Concrete block manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Concrete contractors	C	-	-	-	-	-	-	-	-	-	C	P	
	Concrete products	C	-	-	-	-	-	-	-	-	-	C	P	
	Excavating contractors	C	-	-	-	-	-	-	-	-	-	C	P	
	Heavy construction companies	C	-	-	-	-	-	-	-	-	-	C	P	
	Highway/street construction co.	C	-	-	-	-	-	-	-	-	-	C	P	
	Manufactured housing fabrication	C	-	-	-	-	-	-	-	-	-	C	P	
	Prefabricated buildings & components manufacturing	C	-	-	-	-	-	-	-	-	-	C	P	
	Wrecking & demolition contractors	C	-	-	-	-	-	-	-	-	-	C	P	

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary A=Accessory building or use "- "= not permitted *1 = Floodplain regulations shall be met	TA-1 = Transitional Agriculture R-E = Residential Estates R-1 = Low Density Residential R-2 = Medium Density Residential R-3 = High Density Residential RO = Original Residential District RM = Mobile Home Residential MU = Mixed Use C-1 = Central Business District C-2 = General Commercial I-1 = Light Industrial I-2 = Heavy Industrial

Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	1-1	I-2	Additional Requirements
Food Processing	Bakery Products Manufacturing	-	-	-	-	-	-	-	-	C	C	P	P	
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	-	-	-	-	-	C	C	
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	-	-	-	P	P	P	P	
	Creamery and Dairy Operations	C	-	-	-	-	-	-	-	-	-	C	C	
	Dairy Products Manufacturing	C	-	-	-	-	-	-	-	-	-	C	C	
	Egg Processing Plants	C	-	-	-	-	-	-	-	-	-	C	C	
Mining and Excavation	Brick, firebrick and clay products manufacturing	C	-	-	-	-	-	-	-	-	-	C	C	See Section 11.16
	Monument & architectural stone manufacturing	C	-	-	-	-	-	-	-	-	-	C	C	
	Quarry	C	-	-	-	-	-	-	-	-	-	C	C	See Section 11.16
Metal Processing, Stamping	Culvert manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Welding	-	-	-	-	-	-	-	-	-	-	C	C	
	Wire Rope and Cable Manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
Waste Handling	Landfill, Construction Material	-	-	-	-	-	-	-	-	-	-	C	C	
	Landfill, Solid Waste	-	-	-	-	-	-	-	-	-	-	C	C	
	Recycling Center	C	-	-	-	-	-	-	-	C	C	C	C	
	Recycling Processing	C	-	-	-	-	-	-	-	-	-	C	C	
	Sanitary Transfer Station	C	-	-	-	-	-	-	-	-	-	C	C	
Wood Products Manufacturing	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Millwork manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Electronics manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Machinery manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	-	-	C	C	
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	-	-	C	C	
Large Contracting/Materials Manufacturing	Bio-Fuels Manufacturing, including Ethanol production	C	-	-	-	-	-	-	-	-	-	-	C	
	Grain Elevator and Storage Facilities	C	-	-	-	-	-	-	-	-	-	C	C	
	Salvage Operations	-	-	-	-	-	-	-	-	-	-	C	C	See Section 11.08
	Scrap or Salvage Yards	-	-	-	-	-	-	-	-	-	-	C	C	See Section 11.08
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	-	-	-	-	-	-	-	C	C	See Section 11.08
	Wood Preserving Treatment	-	-	-	-	-	-	-	-	-	-	C	C	

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary A=Accessory building or use "- "= not permitted *1 = Floodplain regulations shall be met	TA-1 = Transitional Agriculture R-E = Residential Estates R-1 = Low Density Residential R-2 = Medium Density Residential R-3 = High Density Residential RO = Original Residential District RM = Mobile Home Residential MU = Mixed Use C-1 = Central Business District C-2 = General Commercial I-1 = Light Industrial I-2 = Heavy Industrial

Use Category	Use Type	TA-1	R-E	R-1	R-2	R-3	R-O	R-M	M-U	C-1	C-2	I-1	I-2	Additional Requirements
Accessory Uses	Barns	P	P	P	-	-	-	-	-	-	-	-	-	
	Bins, silos, grain storage	P	-	-	-	-	-	-	-	-	-	-	-	
	Grain Bins used as gazebos or other accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	See Section 4.11
	Decks, gazebos, patios (elevated or on-grade)	P	P	P	P	P	P	P	P	P	P	P	P	See Section 4.11
	Fences	P	P	P	P	P	P	P	P	P	P	P	P	See Section 11.03
	Freestanding canopy	P	P	P	P	P	P	P	P	P	P	P	P	See Section 4.11
	Fuel storage	P	-	-	-	-	-	-	-	-	-	P	P	
	Fuel tanks and dispensing equipment	P	-	-	-	-	-	-	P	P	P	P	P	
	Garages, Private	P	P	P	P	P	P	P	-	P	P	P	P	See Section 4.11
	Garage, Storage	P	P	P	P	P	P	P	-	P	P	P	P	See Section 4.11
	Carports	P	P	P	P	P	P	P	-	-	-	P	P	See Section 4.11
	Greenhouses, Non-commercial	P	P	P	P	P	P	P	C	C	C	P	P	
	Home Occupations	P	P	P	P	P	P	P	-	-	-	-	-	See Section 11.01
	Home based Businesses	P	P	P	P	P	P	P	-	-	-	-	-	See Section 11.01
	Portable on-demand storage containers	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	T/P	See Section 4.23
	Porch, unenclosed	P	P	P	P	P	P	P	P	P	P	P	P	See Section 4.11
	Storage sheds	P	P	P	P	P	P	P	-	-	-	P	P	See Section 4.11
	Storage building using multiple storage containers	-	-	-	-	-	-	-	-	-	-	P	P	See Section 4.23
	Swimming pools	P	P	P	P	P	P	P	P	P	P	-	-	See Section 4.22
	Tennis and other sports courts/fields	P	P	P	P	P	P	P	P	P	P	P	P	See Section 4.11
	Solar energy systems for use on individual properties or buildings	P	P	P	P	P	P	P	P	P	P	P	P	See Section 11.09
	Wind Energy Conversion System	C	C	C	C	C	C	C	C	C	C	C	C	See Section 11.06

Section 5.08 TA-1: Transitional Agricultural District

5.08.01 Intent:

The Transitional Agricultural District is established for preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry.

5.08.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.08.03 Conditional Uses:

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

5.08.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

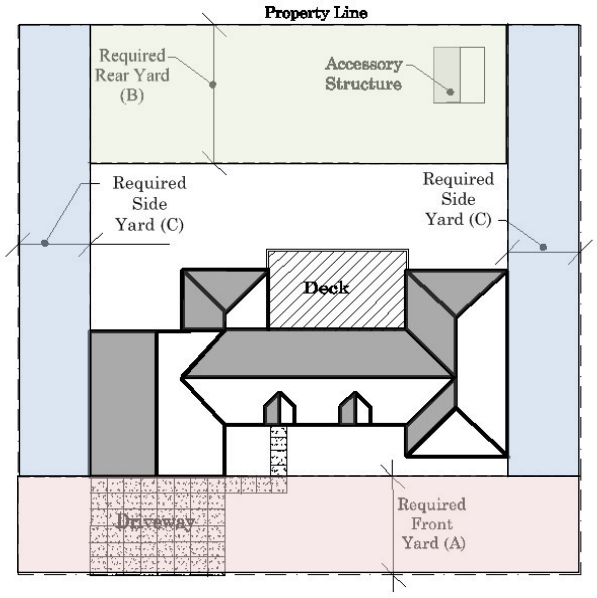
5.08.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.08.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Residential dwelling	Other Permitted Uses	Conditional Uses	Accessory Uses
Property Requirements				
Frontage (feet)	200	200	200	200
Lot Area (acres)	3	20	5	1
Lot Width (feet)	500	500	500	-
Maximum Coverage* / Impervious Area (%)	-	-	-	-
Bulk Regulations				
A Front Yard Setback**	50	50	50	70
B Rear Yard Setback ***	25	25	25	10
C Side Yard Setback ****	25	25	25	25
Street Side Yard	-	-	-	-
Max. Height (feet)	35	45	45	35



Footnotes

* Percentage applies to the buildable area of the lot.

** Front yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet when abutting any other platted street, road or highway.

*** Rear yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet abutting any other platted street, road or highway or interior property line.

**** Side yard setback shall be 53 feet from the centerline of a County Road or shall be 20 feet when abutting any other platted street, road, or highway or interior property line.

5.08.07 Other Applicable Provisions:

1. The following uses shall be a minimum of 2,640 feet from any residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
   A. Commercial auction yards or barns.
   B. Commercial production and husbandry of poultry, fish, and small animals.
   C. Commercial feedlots.
   D. Mining and extraction of natural resources.
   E. Feed mills.
   F. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
   G. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. Public and private stables and riding clubs, provided:
   A. No structure or building used to house horses or other animals is located closer than 300 hundred feet to any residential use or district.
   B. Minimum lot area of four acres.
3. Private or commercial kennels and facilities for the raising, breeding, and boarding of dogs and other small animals, provided:
   A. No structure or building is located closer than 300 feet to any residential use or district.
4. Cemeteries:
   A. All structures are located at least 25 feet from all property lines.
5. No new residential, commercial, industrial, or public use shall be located nearer than 3,960 feet to any existing use listed in Section 3.12.07 (1)
6. Parking of Boats, Trailers, Campers and RVs, see Section 05 Recreational Vehicle (RV) Storage in Article 9.

Section 5.09 RE: Residential Estates District

5.09.01 Intent:

This district is intended to provide for large lot residential and compatible uses within the Low-Density areas as identified on the Future Land Use Map. These areas are either not in the 20-year growth pattern of the Hickman City Limits or in the best public interest because of floodplain, unstable land, sewerability or other natural land features.

1. New subdivisions requesting the RE Residential Estates zoning district are not required to meet the ghost platting requirements as provided in the Hickman Subdivision Regulations.
2. RE district classification is only available for Low Density areas identified on the Future Land Use Map as adopted by the Hickman City Council.

5.09.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.09.03 Conditional Uses:

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

5.09.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

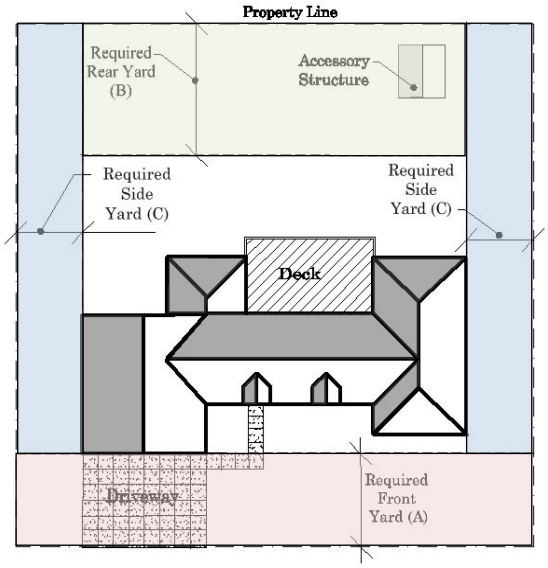
5.09.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Residential dwelling	Other Permitted Uses	Conditional Uses	Accessory Uses
Property Requirements				
Frontage (feet)	100	100	100	100
Lot Area (acres)	3	3	3	-
Lot Width (feet)	100	100	100	-
Maximum Coverage* / Impervious Area (%)	25/35	25/35	25/35	-
Bulk Regulations				
A Front Yard Setback**	50	50	50	60
B Rear Yard Setback ***	25	25	25	10
C Side Yard Setback ****	25	25	25	25
Street Side Yard	50	50	50	50
Max. Height (feet)	35	45	45	35



Footnotes

* Percentage applies to the buildable area of the lot.

** Front yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet when abutting any other platted street, road or highway.

*** Rear yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet abutting any other platted street, road or highway or interior property line.

**** Side yard setback shall be 53 feet from the centerline of a County Road or shall be 20 feet when abutting any other platted street, road, or highway or interior property line.

Section 5.10 R-1: Low Density Residential District

5.10.01 Intent:

This district is intended to provide for large lot residential and compatible uses within the Low Density areas as identified on the Future Land Use Map. These areas are within the 20-year growth pattern of the Hickman City Limits and are identified to be within the best public interest for future intensive urban development.

1. New subdivisions requesting the R-1 Residential zoning district will be required to meet ghost-platting requirements as provided in the Hickman Subdivision Regulations.
2. R-1 is only available for Low Density areas as identified on the Future Land Use Map as adopted by the Hickman City Council.

5.10.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any 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 approved by the City Council.

5.10.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

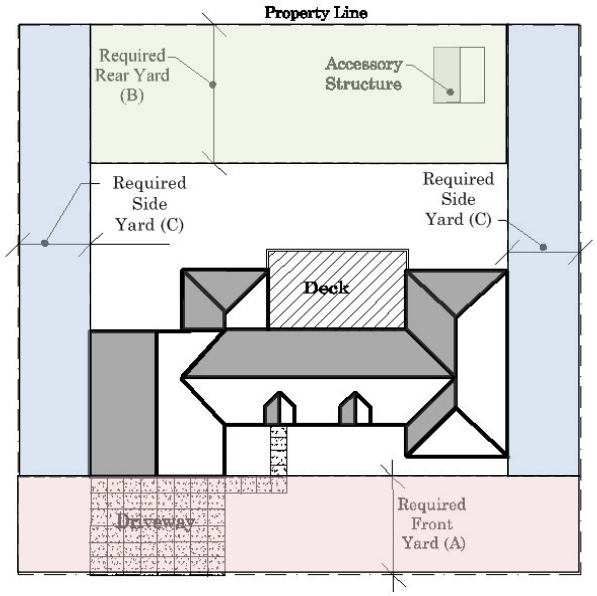
5.10.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.10.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Residential dwelling	Other Permitted Uses	Conditional Uses	Accessory Uses
Property Requirements				
Frontage (feet)	75	75	75	75
Lot Area (Sq. Ft)	20,000	20,000	20,000	-
Lot Width (feet)	70	70	70	-
Maximum Coverage* / Impervious Area (%)	35/50	35/50	35/50	10
Bulk Regulations (feet)				
A Front Yard Setback	50	50	50	60
B Rear Yard Setback	25	25	25	8
C Side Yard Setback	7.5	7.5	7.5	5
Street Side Yard	50	50	50	50
Max. Height	35	35	35	17



Footnotes

* Percentage applies to the buildable area of the lot.

Section 5.11 R-2: Medium Density Residential District

5.11.01 Intent:

This district is intended to provide single to four family residential development in areas with adequate public facilities and supporting uses near population centers.

5.11.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.11.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and approved by the City Council.

5.11.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.11.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.11.06 Height and Lot Requirements:

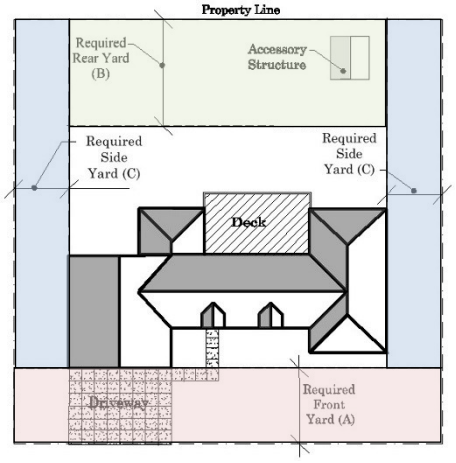
The height and minimum lot requirements shall be as follows:

Uses	Single-family dwelling	Single-family, attached	Two-family dwelling	Townhomes	Multi family dwellings	Other Permitted	Other Conditional Uses	Accessory Use
Property Requirements								
Frontage (feet)	20	20	20	20	20	20	20	20
Lot Area (Sq. Ft)	7,200	6,000/du	12,000	6,000/du	12,000	8,000	8,000	-
Lot Width (feet)	70	18/du**	80	18/du**	80	70	70	-
Maximum Coverage* / Impervious Area (%)	40/55	40/55	40/55	30/55	30/55	30/55	30/55	10
Bulk Regulations (feet)								
A Front Yard Setback	25	25	25	25	25	25	25	35
B Rear Yard Setback	20	20	20	20	20	20	20	5
C Side Yard Setback	7.5	10	7.5	7.5	10	7.5	7.5	5
Street Side Yard	25	25	25	25	25	25	25	25
Max. Height	35	35	35	35	35	35	35	17

Footnotes

* Percentage applies to the buildable area of the lot.

** The lot width applies to all interior lots, any exterior/ end lots shall be a minimum of 45 feet.



Section 5.2 R-3: High Density Residential District

5.12.01 Intent:

This district is intended to provide high-density residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.12.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended by the Planning Commission and approved by the City Council.

5.12.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.12.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.12.06 Height and Lot Requirements:

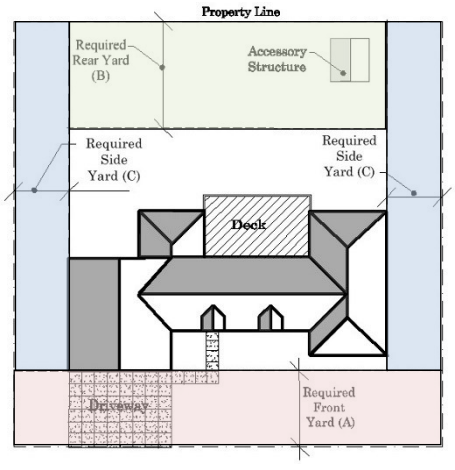
The height and minimum lot requirements shall be as follows:

Uses	Single-family dwelling	Single-family, attached	Two-family dwelling	Townhomes	Multi family dwellings	Other Permitted	Other Conditional Uses	Accessory Use
Property Requirements								
Frontage (feet)	20	20	20	20	20	20	20	20
Lot Area (Sq. Ft)	6,000	6,000/du	12,000	3,000/du	3,000/du	8,000	8,000	-
Lot Width (feet)	65	18/du**	80	18/du**	75	75	75	-
Maximum Coverage* / Impervious Area (%)	40/55	40/55	40/55	40/55	40/55	40/55	40/55	10
Bulk Regulations (feet)								
A Front Yard Setback	**25**	**25**	**25**	**25**	**25**	**25**	**25**	**35**
B Rear Yard Setback	**25**	**25**	**25**	**25**	**25**	**25**	**25**	**8**
C Side Yard Setback	**7.5**	**10**	**7.5**	**7.5**	**10**	**7.5**	**7.5**	**5**
Street Side Yard	**25**	**25**	**25**	**25**	**25**	**25**	**25**	**25**
Max. Height	**45**	**45**	**45**	**45**	**45**	**45**	**45**	**17**

Footnotes

* Percentage applies to the buildable area of the lot.

** The lot width applies to all interior lots, any exterior/ end lots shall be a minimum of 45 feet.



5.12.07 Other Applicable Provisions:

1. Townhouses, Condominiums, and Rowhouses
   A. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
   B. Each unit shall be serviced by separate facilities.
   C. When each unit is in separate ownership, any common green space or outlot(s) shall not be in common ownership with any individual unit.
2. Hospitals and clinics provided the following and/or other conditions and standards are met:
   A. Building shall not occupy more than 40 percent of the total lot area,
   B. Building setbacks from all yards shall not be less than one foot per foot of building height.

Section 5.13 R-O: Original Residential District

5.13.01 Intent:

This zone is designed to promote revitalization, infill, and flexibility to existing residential structures in the Original Hickman Plat area.

5.13.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.13.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended by the Planning Commission and approved by the City Council.

5.13.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.13.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.13.06 Height and Lot Requirements:

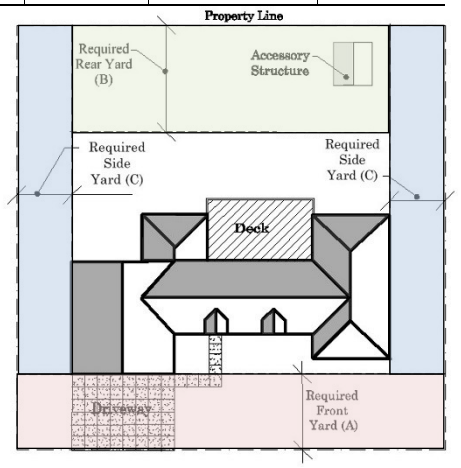
The height and minimum lot requirements shall be as follows:

Uses	Single-family dwelling	Single-family, attached	Two-family dwelling	Townhomes	Multi family dwellings	Other Permitted	Other Conditional Uses	Accessory Use
Property Requirements								
Frontage (feet)	20	20	20	20	20	20	20	20
Lot Area (Sq. Ft)	5,000	6,000/du	12,000	3,000/du	1,000/du	6,000	6,000	-
Lot Width (feet)	50	18/du**	80	18/du**	75	75	75	-
Maximum Coverage* / Impervious Area (%)	40/55	40/55	40/55	40/55	40/55	40/55	40/55	10
Bulk Regulations (feet)								
A Front Yard Setback	25	25	25	25	25	25	25	35
B Rear Yard Setback	20	20	20	20	20	20	20	8
C Side Yard Setback	6	10	7.5	7.5	10	7.5	7.5	5
Street Side Yard	15	15	15	15	15	15	15	15
Max. Height	45	45	45	45	45	45	45	17

Footnotes

* Percentage applies to the buildable area of the lot.

** The lot width applies to all interior lots, any exterior/ end lots shall be a minimum of 45 feet.



Section 5.14 R-M Mobile Home Residential District

5.14.01 Intent:

This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

5.14.01 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.14.03 Conditional Uses:

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

5.14.04 Temporary Uses:

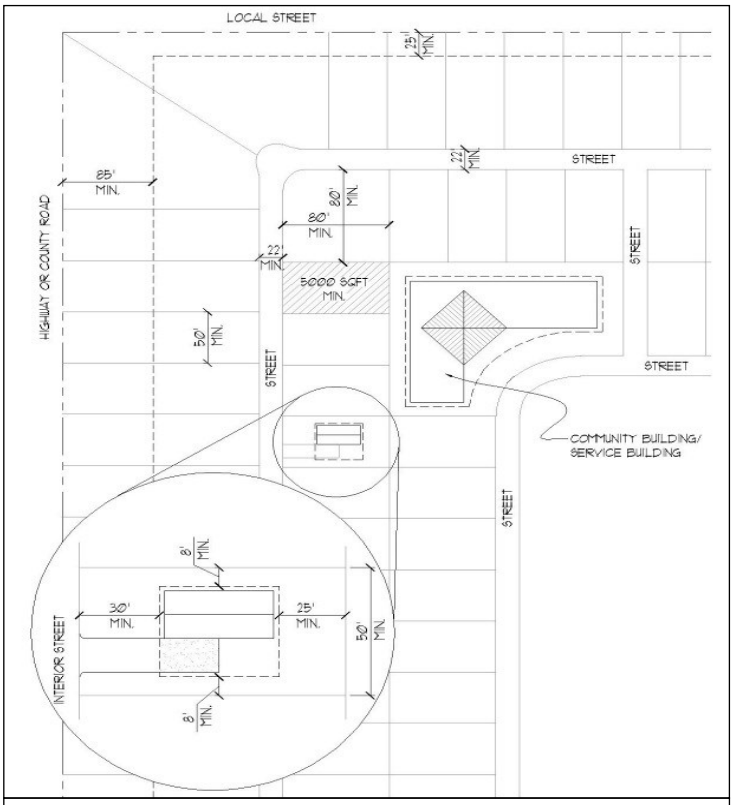
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.14.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Sections within Article 4 for more detail.

5.14.06 Special Design Criteria for this District

1. A mobile home development shall have a lot area of not less than two acres. No mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
   A. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
   B. Front yard setback shall not be less than 25 feet.
   C. Rear yard setback of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
   A. Maximum height for principal uses shall be 35 feet.
   B. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard surfaced drive not less than 24 feet in width, excluding parking.



Example of a Mobile Home Park Layout

6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
   A. Shelter space equivalent to two persons per mobile home lot,
   B. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
   C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.



Example of a Community Storm Shelter

5.14.07 Special Requirements

1. All lots must be platted in accordance with the Subdivision Regulations of the City of Hickman and shall also contain the following information:
   A. A complete plan of the mobile home development shall be submitted showing:
   B. A development plan and grading plan of the court.
   C. The area and dimensions of the tract of land.
   D. The number, location, and size of all mobile home spaces.
   E. The area and dimensions of the park, playground and recreation areas.
   F. The location and width of roadways and walkways.
   G. The location of service buildings and any other proposed structures.
   H. The location of water and sewer lines and sewage disposal facilities.
   I. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

Section 5.15 M-U: Mixed Use District

5.15.01 Intent:

The Mixed Use (M-U) District is intended to accommodate projects that combine several compatible land uses into an integrated development and to allow for flexibility in the siting of buildings and the layout of lots. The district permits mixing residential areas with workplaces and services. Development in the M-U District must accommodate diverse transportation systems, including pedestrian and bicycle movement, and integrate them with surrounding environments. All projects developed in an M-U District are subject to approval of a development agreement.

5.15.02 Permitted Uses:

1. A Change of Zone ordinance establishing an M-U District shall define the use types permitted within its boundaries. Reference to a Mixed-Use Development Agreement is acceptable to meet this requirement so long as the Change of Zone ordinance and the Mixed-Use Development Agreement are approved contingent upon each other.
2. Each M-U District should contain use types within at least two use categories. Use categories shall be limited to residential, civic, office, and commercial uses. No single use category should account for more than 80% of the building area or net developable land area of an M-U District. Net developable land area includes the land area of a development excluding dedicated public streets, private streets, or other dedicated public land.

5.15.03 Site Development Regulations

1. Prior to the issuance of any building permits or other authorization, all projects in the M-U District shall receive approval by the City Council through the adoption of a Mixed-Use Development Agreement.
2. Applications for a Mixed-Use Development Agreement must contain at a minimum the following information:
   A. A detailed site map, including:
      1) A boundary survey.
      2) Site dimensions.
      3) Contour lines at no greater than five-foot intervals.
      4) Adjacent public rights-of-way, transportation routes, and pedestrian and bicycle systems.
      5) Description of adjacent land uses.
      6) Utility service to the site and easements through the site.
      7) Description of other site features, including drainage, soils, environmental factors, or other considerations that may affect development.
   B. A development plan, including:
      1) A site layout, including the location of proposed buildings, parking, open space, and other facilities.
      2) Location, capacity, and conceptual design of parking facilities.
      3) Description of the use of individual buildings.
      4) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.
      5) Maximum height of buildings.
      6) Schematic location and design of open space on the site, including a landscaping plan.
      7) Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
      8) Schematic building elevations and sections if required to describe the project.
      9) Grading plans.
      10) Proposed sewer and utility improvements.
      11) Location, size, and type of all proposed signage.

   C. Specific proposed development regulations for the project, including:
      1) The specific use types permitted within the proposed district.
      2) Maximum floor area ratios.
      3) Front, side, and rear yard setbacks.
      4) Maximum height.
      5) Maximum building and impervious coverage.

6) Design standards applicable to the project.

D. A traffic impact analysis, if required by the City.
E. See Section 11.18 for specific design criteria for this district.
F. An application for a Mixed-Use Development Agreement shall include an editable draft agreement (in Microsoft Word format, unless otherwise approved by the Zoning Administrator). Attachments, such as maps and illustrations, may be provided as separate files in any digitally reproducible format approved by the Zoning Administrator.

5.15.04 Adoption of M-U District

1. The Planning Commission and City Council shall review and evaluate each proposal or application for an M-U District. The City may impose reasonable conditions as deemed necessary to ensure that projects within an M-U District are compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety, and welfare of the community.
2. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
3. The Planning Commission may recommend amendments to M-U District applications.
4. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
5. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an M-U District. Proper notice shall mean the same notice established for any other zoning amendment.
6. An ordinance adopting an M-U District shall require a favorable simple majority of the City Council for approval; however, the favorable vote of three-fourths of the City Council shall be required if the Planning Commission has recommended denial to the change of zone to the M-U District.
7. Any approval of an M-U District shall be contingent upon the approval by City Council of a Mixed-Use Development Agreement.
8. The City shall not issue a building permit, certificate of occupancy or other permit for a building, structure or use within an M-U District unless it complies with the approved Mixed Use Development Agreement, including any approved amendments.

5.15.05 Amendment Procedure

The Zoning Administrator is authorized at their discretion to approve minor amendments to an approved development plan within a Mixed-Use Development Agreement provided that:

1. A written request, amendment application, and fee are filed with the City Clerk, along with information specifying the exact nature of the proposed amendment.
2. The amendment is consistent with the provisions of this article.
3. The amendment does not materially alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types and physical design.

Section 5.16 C-1: Downtown Commercial Limited District

5.16.01 Intent:

This district is intended to provide appropriate development regulations for Downtown Hickman. Mixed uses are encouraged within the C-1 District, without allowing activities that would have a negative effect on the downtown area. The grouping of uses is designed to strengthen the downtown's role as a center for trade, service, and civic life.

5.16.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.16.03 Conditional Uses:

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

5.16.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.16.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.6.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Permitted Uses	Conditional Uses	Accessory Use
Property Requirements			
Frontage (feet)	-	-	-
Lot Area (Sq. Ft)	-	-	-
Lot Width (feet)	-	-	-
Maximum Coverage* / Impervious Area (%)	100/100	100/100	
Bulk Regulations (feet)			
A Front Yard Setback	-	-	-
B Rear Yard Setback	-	-	-
C Side Yard Setback	-	-	-
Street Side Yard	-	-	-
Max. Height	45	45	45

5.16.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard with fifteen (15) feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 11.03.
3. No unscreened outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or manufactured (mobile) home district. In addition, no glare shall be visible to any traffic on any public street.
5. All business, service, repair, processing, storage, or merchandise display on property abutting or

facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
8. All new primary buildings/structures constructed within the District shall have a brick or concrete/ plaster style façade on front face of the building.
9. Uses with specific basic conditions required:

   Convenience store with limited fuel sales provided the following minimum requirements be met:

   A. The use has a minimum lot area of 10,000 square feet.
   B. All surfaces associated with the sale of gasoline shall be on an all-weather (concrete, paved, rock or gravel) surface.

   Service station and minor automobile repair services provided the following minimum requirements be met:

   A. The use has a minimum lot area of 10,000 square feet.
   B. All surfaces associated with the sale of gasoline shall be on an all-weather (concrete, paved, rock or gravel) surface.

   Mortuaries and funeral chapels.

   A. Minimum lot area of 12,000 square feet.

Section 5.17 C-2: General Commercial District

5.17.01 Intent:

This district accommodates a variety of commercial, office, and service uses in Hickman's commercial areas outside of the town center. Uses and developments in the C-2 District may develop substantial increases in traffic, creating potential land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

5.17.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.17.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the C-2 District as recommended by the Planning Commission and approved by the City Council.

5.17.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.17.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.17.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Permitted Uses	Conditional Uses	Accessory Use
Property Requirements			
Frontage (feet)	-	-	-
Lot Area (Sq. Ft)	8,000	8,000	-
Lot Width (feet)	50	50	-
Maximum Coverage* / Impervious Area (%)	60/90	60/90	
Bulk Regulations (feet)			
A Front Yard Setback	25	25	35
B Rear Yard Setback	10	10	10
C Side Yard Setback	10	10	10
Street Side Yard	15	15	15
Max. Height	45	45	45

5.17.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard with 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 11.03.
3. No unscreened outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or manufactured (mobile) home district. In addition, no glare shall be visible to any traffic on any public street.

5. All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
8. All new primary buildings/structures constructed within the District shall have a brick or concrete/ plaster style façade on front face of the building.
9. Uses with specific basic conditions required:
   Convenience store with limited fuel sales provided the following minimum requirements be met:
   A. The use has a minimum lot area of 10,000 square feet.
   B. All surfaces associated with the sale of gasoline shall be on an all-weather (concrete, paved, rock or gravel) surface.

   Service station and minor automobile repair services provided the following minimum requirements be met:
   A. The use has a minimum lot area of 10,000 square feet.
   B. All surfaces associated with the sale of gasoline shall be on an all-weather (concrete, paved, rock or gravel) surface.

   Mortuaries and funeral chapels.
   A. Minimum lot area of 12,000 square feet.

Section 5.18 I-1: Light Industrial District

5.18.01 Intent:

The intent of the I-1 light industrial zone is to provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, manufacturing, assembly, or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property.

5.18.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.18.03 Conditional Uses:

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

5.18.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.18.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.18.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Permitted Uses	Conditional Uses	Accessory Use
Property Requirements			
Frontage (feet)	-	-	-
Lot Area (Sq. Ft)	10,000	10,000	-
Lot Width (feet)	100	100	-
Maximum Coverage* / Impervious Area (%)	70/90	70/90	
Bulk Regulations (feet)			
A Front Yard Setback	50	50	50
B Rear Yard Setback	10	10	10
C Side Yard Setback	10	10	10
Street Side Yard	15	15	15
Max. Height	45	45	45

5.18.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 11.03.
3. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or manufactured (mobile) home district. In addition, no glare shall be visible to any traffic on any public street.
4. All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless

screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

5. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
6. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.18.08 Performance Standards:

1. See Supplemental Regulations, Section 11.04, for those I-1 lots not located in the corridor overlay.

Section 5.19 I-2: Heavy Industrial District

5.19.01 Intent:

This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

5.19.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.19.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the I-2 District as recommended by the Planning Commission and approved by the City Council.

5.19.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Article 8.

5.19.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.07 and Article 4 for more detail.

5.19.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Permitted Uses	Conditional Uses	Accessory Use
Property Requirements			
Frontage (feet)	-	-	-
Lot Area (Sq. Ft)	15,000	15,000	-
Lot Width (feet)	100	100	-
Maximum Coverage* / Impervious Area (%)	70/90	70/90	
Bulk Regulations (feet)			
A Front Yard Setback	**50**	**50**	**50**
B Rear Yard Setback	**10**	**10**	**10**
C Side Yard Setback	**10**	**10**	**10**
Street Side Yard	**15**	**15**	**15**
Max. Height	**55**	**55**	**55**

5.19.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 11.03.
3. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or manufactured (mobile) home district. In addition, no glare shall be visible to any traffic on any public street.
4. Gas station provided the minimum lot area of 10,000 square feet and all surfaces associated with the sale of gasoline shall be on an all-weather surface.
5. All business, service, repair, processing, storage, or merchandise display on property abutting or

facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.19.08 Performance Standards:

1. See Supplemental Regulations, Section 11.04, for those I-2 lots not located in the corridor overlay.

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ARTICLE 6: OVERLAY AND SPECIAL DISTRICTS

Section 6.01 Identified Overlay and Special Districts

(C-O)	Corridor Overlay
(D-O)	Downtown Overlay
(FP/FW)	Floodplain/Floodway Fringe Overlay
PUD	Planned Unit Development Special District

Section 6.02 General Purpose

1. ***The Overlay and Special Districts*** recognize the presence of special community characteristics that traditional zoning districts do not adequately address.
   A. Overlay Districts are to be used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Hickman.
   B. Special Districts provide for base districts that allow multiple land uses and flexible development, with the requirement a specific plan for the area be submitted by applicants.
2. ***Objectives and Base Zone***
   A. To recognize special conditions in parts of the City which require specific regulation.
   B. To provide flexibility and encourage innovative design through comprehensively planned projects.

Section 6.03 Overlay Districts

An overlay district is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay zones should be used to protect special features, community identity and aesthetics. Overlay zones can also be used to promote specific development projects that meet the needs of the community.

Section 6.04 Special Zoning Districts

A special district that delineates conditions, which must be met before that zoning district can be approved for an existing piece of land. Rather than being placed on the zoning map as traditional zones are, however, the special zone is simply written as an amendment in the zoning ordinance. Thus, the district "floats" until a development application is approved, when the district is then added to the official zoning map. Special districts can be used to plan for future land uses that are anticipated or desired in the community, but are not confirmed, such as alternative housing, shopping centers, planned unit developments, and urban development projects.

Section 6.05 Objectives and Base Zones

The Overlay and Special Districts are designed to achieve the following objectives:

1. To recognize special conditions in parts of the City which require specific regulation.
2. To provide flexibility and encourage innovative design through comprehensively planned projects.

Section 6.06 Permitted Principal Uses and Structures

Any use or structure permitted in the base zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions.

Section 6.07 Conditional Uses

Any conditional use permitted in the base zoning district where this district is overlain where such conditional use has been duly authorized by the City Council in accordance with the requirements and procedures specified in this Ordinance, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Article 7, Minimum Height, Lot Area, Lot Coverage and Yard Setback Requirements.

Section 6.08 Accessory Uses and Structures

Any accessory use or structure permitted in the base zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established and shall be constructed of materials complimentary and suitable to the primary use. All dumpsters

or trash bins shall maintain a solid six feet tall enclosure around each unit. Said enclosure shall be constructed of materials complimentary and suitable to the primary use.

Section 6.09 Special Definitions Applying to this Article

ADOBE BRICKS shall mean bricks formed out of mud or clay and baked in a kiln or under the sun. Adobe bricks are often bonded together with mud- or lime-mortar joints, and coats of lime-and-sand stucco often cover adobe walls to prevent them from eroding in the rain.

ARCADE shall mean a series of arches supported by columns or other vertical elements.

ARCH shall mean a curved or pointed structural element that is supported at its sides.

ARCHITECTURAL SYMMETRY shall mean a characteristic (particularly of classical architecture) by which the two sides of a facade or architectural floor plan of a building present mirror images of one another.

ARCHWAY shall mean an opening with a curved or pointed top.

ATTIC WINDOW shall man a window lighting an attic story, and often located in a cornice.

BALCONY shall mean a platform that projects from the wall of a building, and which is enclosed on its outer three sides by a balustrade, railing, or parapet.

BALUSTER shall mean a short pillar or column in a series supporting a rail or coping.

BALUSTRADE shall mean a railing consisting of a row of balusters supporting a rail.

BAY shall mean a section of a building distinguished by vertical elements such as columns or pillars. Often, a bay will protrude from the surface of the wall in which it is situated, thus creating a small, nook-like interior space, often of a rectangular or semi-hexagonal outline. See bay window.

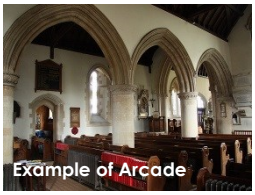
BAY WINDOW shall mean a projecting bay that is lit on all of its projecting sides by windows. See bay.

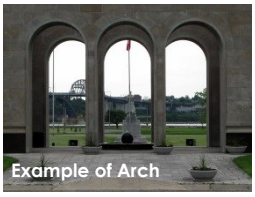
BOARD-AND-BATTEN shall mean a wooden siding treatment in which wide, vertically oriented boards are separated by narrower strips of wood called "battens," which form the joints between the boards. This is a technique common to American folk architecture.

BOW WINDOW shall mean a curved bay window.

BELL ROOF shall mean a roof shaped like a bell, and typically situated on top of a round tower. The bell roof has origins in Normandy, toured extensively by Stanford White, who incorporated bell roofs into many of historic Shingle Style houses and buildings.


Example of Adobe

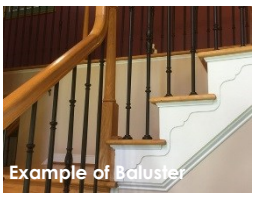

Example of Arcade


Example of Arch


Example of Architectural Symmetry


Example of Attic Window


Example of Balcony


Example of Baluster

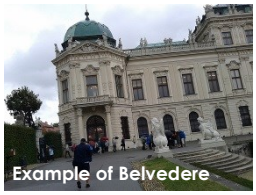

Example of Balustrade


Example of Bay Window

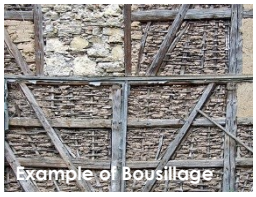

Example of Board and Batten


Example of Bow Window


Example of Bell Roof


Example of Belvedere

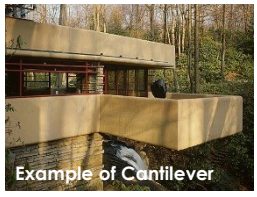

Example of Bollards


Example of Bousillage

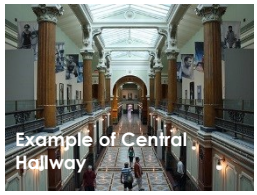
Example of Brace




Example of Bracket


Example of Cantilever


Example of Casement Window


Example of Central Hallway


Example of Chalet


Example of CMU


Example of Colonnade


Example of Column


Example of Cone shaped Roof


Example of Cornice

BELVEDERE shall mean a small, square cupola that functions as a lookout tower, located at the top of a building. Belvederes are characteristic of Italianate houses.

BOLLARD shall mean a sturdy, short, vertical post usually concrete. Generally used to protect equipment or the public from vehicles. Commonly placed along walkways and across building entrances when they are connected to a parking area or street and a change in elevation is not present.

BOUSILLAGE shall mean a form of plaster made of mud, clay and moss used in poteaux-en-terre construction in French Colonial architecture, particularly in Louisiana.

BRACE shall mean a reinforcing and/or stabilizing element of an architectural frame.

BRACKET shall mean a projection from a vertical surface that provides structural and/or visual support for overhanging elements such as cornices, balconies, and eaves.

CANTILEVER shall mean a cantilever is a beam anchored at only one end. The beam carries the load to the support the overhanging section of the building.

CASEMENT WINDOW shall mean a window frame that is hinged on one vertical side, and which swings open to either the inside or the outside of the building. Casement windows often occur in pairs.

CENTRAL HALLWAY shall mean a passageway that cuts through the center of a building, from front to back, and off of which rooms open to the sides.

CHALET shall mean a timber dwelling, cottage, or lodge with a gable roof and wide eaves, indigenous to the Swiss Alps, but now found worldwide.

CHIMNEY STACKS AND BUNDLES shall mean chimney flues visible from the exterior of a house, and sometimes very decorative.

CMU shall mean a Concrete Masonry Unit: A large rectangular brick used in construction and made from cast concrete.

COLONNADE shall mean a range of columns that supports a string of continuous arches or a horizontal entablature.

COLUMN shall mean a supporting pillar consisting of a base, a cylindrical shaft, and a capital on top of the shaft. Columns may be plain or ornamental.

CONE-SHAPED ROOF shall mean a roof shaped like a cone.

CORNICE shall mean a crowning projection at a roof line, often with molding or other classical detail.

CORNICE MOLDING shall mean a decorative strip of wood running just below the eaves of a building. A cornice molding is a cross between a cornice and a molding – a cornice is a crowning projection at a roof line, while a molding is a decorative strip of wood.

COURTYARD shall mean an open space, usually open to the sky, enclosed by a building, often with an arcade or colonnade.

CRENELLATION shall mean a sequence of alternating raised and lowered wall sections at the top of a high exterior wall or parapet. Crenellations were originally employed for defensive purposes (one could hide behind a raised wall section, while shooting down at enemies from over a lowered wall section) but were later used for decoration.

CUPOLA shall mean a small dome, or hexagonal or octagonal tower, located at the top of a building. A cupola is sometimes topped with a lantern. A belvedere is a square-shaped cupola.

CURLICUE shall mean a spiral or looping line.

DECORATIVE MOTIF shall mean a repeated pattern, image, idea, or theme. In classical architecture, series of urns and continuous or repeated swags of garlands are common decorative motifs.

DENTILS shall mean small rectangular blocks that, when placed together in a row abutting a molding, suggest a row of teeth.

DORMER WINDOW shall mean a perpendicular window located in a sloping roof; triangular walls join the window to the roof. Dormer windows are sometimes crowned with pediments, and they often light attic sleeping rooms.

DOUBLE DOORS shall mean two adjacent doors that share the same door frame, and between which there is no separating vertical member. Double doors are often referred to as "French doors".

DOUBLE-HUNG SASH WINDOWS shall mean a window with two sashes that move independently of each other.

EAVES OF A ROOF shall mean the part of a roof overhanging the exterior of a house, typically projecting beyond the walls to carry away rainwater.

ELEVATION shall mean a view of a building looking directly at a side.

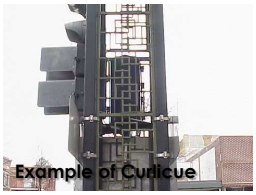
EXPOSED RAFTERS shall mean rafters exposed to the outside of a building. Rafters are the inclined, sloping framing members of a roof, and to which the roof covering is affixed.


Example of Cornice Molding

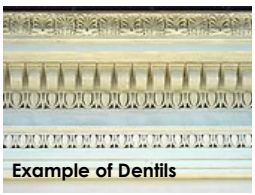

Example of Courtyard


Example of Crenellation


Example of Cupola


Example of Curlicue


Example of Decorative Motif

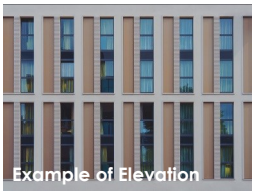

Example of Dentils


Example of Dormer Window

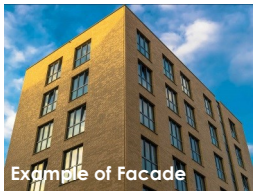

Example of Double Doors


Example of Double Hung Sash


Example of Eave


Example of Elevation

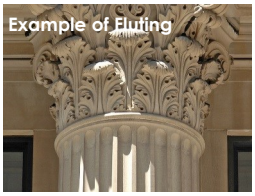

Example of Exposed Rafters


Example of Facade


Example of Fireplace Surround


Example of Fenestrations


Example of Flared Roof

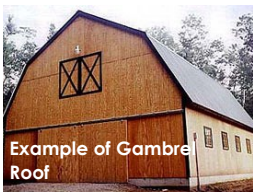

Example of Fluting


Example of French Doors


Example of Frieze


Example of Gable Roof


Example of Gallerie


Example of Gambrel Roof


Example of Grilles


Example of Gutter and Downspout


Example of Hardware

FAÇADE shall mean an exterior wall, or face, of a building.

FAN LIGHT shall mean a semi-circular or semi-elliptical window, with wedge-shaped panes of glass separated by mullions arranged like the spokes of a wagon wheel. Fan lights are usually found over entrance doors and windows, particularly in Federal and Greek Revival homes.

FIREPLACE SURROUND shall mean a molding about a fireplace, often highly decorated.

FENESTRATION shall mean the design, construction, or presence of openings in a building.

FLARED ROOF shall mean a roof with a bell-shaped profile. It is sloped with concave curves at the top, and with convex curves at the bottom.

FLOOR PLAN shall mean the arrangement of rooms in a building.

FLUTING shall mean shallow, vertical grooves in the shaft of a column or pilaster.

FREE-FLOWING FLOOR PLAN shall mean a floor plan in which there are no (or few) hallways, and rooms open directly onto one another, often through wide doorways.

FRENCH DOORS shall mean two adjacent doors that share the same door frame, and between which there is no separating vertical member. French doors are often referred to as "double doors."

FRIEZE shall mean a band of richly sculpted ornamentation on a building.

GABLE ROOF shall mean a roof with two slopes – front and rear– joining at a single ridge line parallel to the entrance façade.

GALLERIE shall mean a wide, wrap-around covered porch lined with columns on one side, and common to French Colonial architecture of Louisiana. A gallerie connects interior rooms together, much like a hallway.

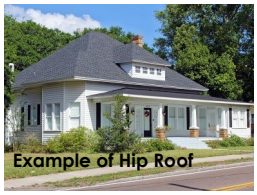
GAMBREL ROOF shall mean a ridged roof with two slopes at each side, the lower slopes being steeper than the upper slopes.

GRILLES shall mean ventilation panels, often highly decorative.

GUTTER & DOWNSPOUT shall mean a system that gathers water from the roof and the water travels down a downspout to drain away from the house.

HARDWARE shall mean the metal fittings of a building, such as locks, latches, hinges, handles, and knobs.

HIP ROOF shall mean a roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its endpoints.


Example of Hip Roof

HOOD MOLDING shall mean a molding projecting above a door, window, or archway to throw off rain. A hood molding is also referred to as a "drip molding."


Example of Hood Molding

JACK ARCH shall mean a structural element that provides support over an opening in a masonry wall (i.e., made of brick or stone). Jack arches are not actually arch-shaped, but are, instead, flat, and made of individual wedge-shaped bricks or stones held in place through compression.


Example of Jettied Story


Example of Lattice-work

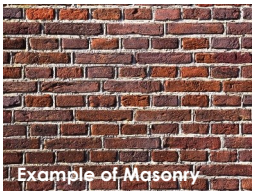
JETTIED STORY shall mean an upper story of a building that projects out over the story beneath it, common in Colonial American architecture.


Example of Mansard Roof


Example of Masonry

LATTICE-WORK shall mean a wooden grid of boards overlaid atop an exterior surface. See stick-work.

MANSARD ROOF shall mean a four-sided hipped roof featuring two slopes on each side, the lower slopes being very steep, almost vertical, and the upper slopes sometimes being so horizontal that they are not visible from the ground.


Example of Masonry


Example of Masonry

MASONRY shall mean being of stone, brick, or concrete.

MOLDING shall mean a decorative strip of wood.


Example of Molding


Example of Mullions

MULLIONS shall mean the structural units that divide adjacent windows.

MUNTINS shall mean dividing bars between panes of glass.


Example of Mullions


Example of Ogee Arch

OGEE ARCH shall mean an arch consisting of two opposing "S"-curves meeting in a point at the apex.

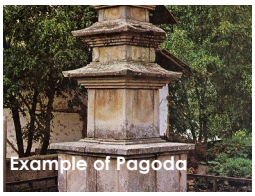
ORIEL shall mean a projecting window of an upper floor, supported from below by a bracket.

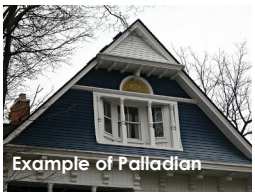

Example of Oriel


Example of Over-hanging Rafters

OVER-HANGING RAFTERS shall mean rafters that extend beyond the eaves of a roof. Rafters are the inclined, sloping framing members of a roof, to which the roof covering is affixed.

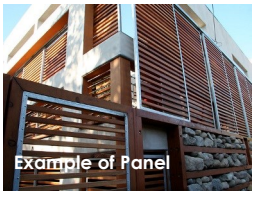
PAGODA shall mean a tiered tower with multiple roof layers, constructed about a central axis pole.


Example of Pagoda

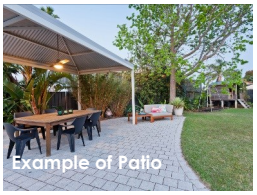

Example of Palladian

PALLADIAN WINDOW shall mean an arched window immediately flanked by two smaller, non-arched windows.

PANEL shall mean a smooth surface, usually rectangular (or sometimes circular) in shape and framed by a molding, and often featuring decorative, sculptural carving.

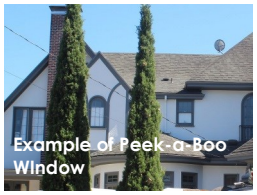

Example of Panel


Example of Parapet


Example of Patio


Example of Pavilion

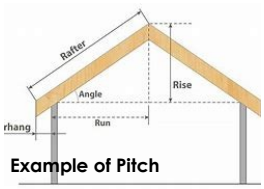

Example of Pediment


Example of Peek-a-Boo Window

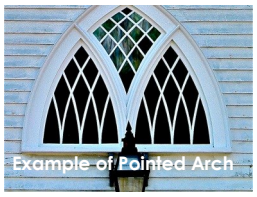

Example of Pergola


Example of Pilaster


Example of Pillar



Example of Pitch


Example of Pointed Arch


Example of Portico


Example of Projection


Example of Quoins


Example of Rafters

PARAPET shall mean a low wall, located at the top of any sudden drop, such as at the top of the facade of a building.

PATIO shall mean similar to a terrace, a patio is an outdoor extension of a building, situated above the ground level, and open to the sky. Colloquially, a patio is a more informal space than a terrace.

PAVILION shall mean a small but prominent portion of a building that juts out from a main building, either above its roof line, or to the side, and which is identified by a unique (usually diminutive) height and individual roof type. A pavilion may also stand alone, separate from a larger building, or may be connected to a main building by a terrace or path.

PEDIMENT shall mean a decorative triangular piece situated over a portico, door, window, fireplace, etc. The space inside the triangular piece is called the "tympanum," and is often decorated.

PEEK-A-BOO WINDOW shall mean a very small window, often circular.

PERGOLA shall mean a garden structure built up over a path or narrow terrace, lined with evenly spaced columns or posts that support a wooden-framed roof without sheathing. Often, vines are trained around the wooden framework of a pergola, and the pergola may lead from one building to another.

PILASTER shall mean a shallow, non-structural rectangular column, attached to, and projecting only slightly from, a wall surface.

PILLAR shall mean a structural support, similar to a column, but larger and more massive, and often without ornamentation.

PITCH shall mean the degree of roof slant stated in inches rise per foot.

POINTED ARCH shall mean an arch that is pointed at its apex, rather than rounded; common in Gothic and Gothic Revival architecture.

PORTICO shall mean an entrance porch with columns or pilasters and a roof, and often crowned by a triangular pediment.

PROJECTION shall mean a side wing, tower, or window bay that protrudes from a building.

QUOINS shall mean large, prominent masonry units outlining windows, doorways, segments, and corners of buildings.

RAFTERS shall mean the inclined, sloping framing members of a roof, and to which the roof covering is affixed.

RETAINING WALL shall mean a wall that holds back earth or water on one side of it. It is designed to restrain soil to unnatural slopes.

RIDGE shall mean the line on a roof, where two slopes intersect on top

ROOF RIDGE shall mean the horizontal intersection of two roof slopes at the top of a roof.

ROOFLINE shall mean the part of a building rising above the building's eaves. Rooflines can be highly decorative, with balustrades, pediments, statuary, dormer windows, cross gables, etc.

ROUND-ARCHED WINDOW shall mean a window that is fully arched at its top.

ROUNDEL shall mean a small, circular panel or window.

RUBBLE BRICK shall mean rough-edged brick, often of variegated colors.

SALTBOX ROOF shall mean a gable roof whose rear slope is longer than its front slope. The rear slope often very nearly meets the ground.

SCULPTURAL FORMS shall mean architectural elements that have the appearance of having been sculpted.

SECTION shall mean a section or cross section is a term used in architectural drawing for describing when a vertical line cuts through an object In the drawing, the dark line represents the floor cutting through the building's walls.

SEGMENTAL ARCH shall mean an arch whose arc is shorter than that of a full semi-circle.

SETBACK shall mean a step-like recession in a wall.

SHUTTERS shall mean pairs of solid or slatted window coverings, traditionally hinged to the exterior of a building to either side of a window, used to block light or wind from the interior of a building.

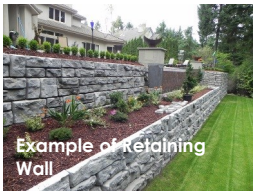
SIDE LIGHT shall mean a fixed window positioned to the side of a doorway or window.

SLATE shall mean a finely grained, foliated rock, found in many colors.

SPIRE shall mean a slender, pointed construction atop a building, often a church.

STAINED GLASS shall mean colored glass. Stained glass windows are fitted with pieces of colored glass, which often depict a picture or scene.

STICK-WORK shall mean a wooden grid of boards overlaid atop an exterior surface. See latticework.


Example of Retaining Wall


Example of Roof Ridge


Example of Roofline


Example of Round-arched Window

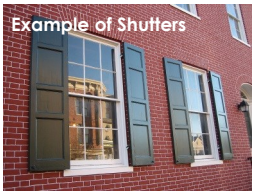

Example of Roundel


Example of Rubble Brick


Example of Saltbox Roof


Example of Sculptural Form

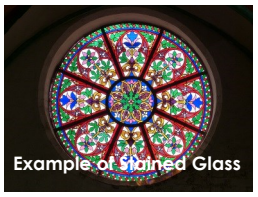

Example of Segmental Arch


Example of Shutters


Example of Side Light


Example of Slate


Example of Spire


Example of Stained Glass


Example of Striated Brick

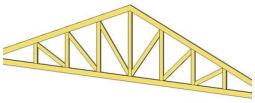

Example of Stucco


Example of Terrace

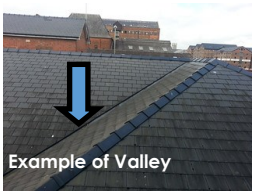

Example of Thatched Roof


Example of Tile Roof


Example of Transom Light


Example of Truss


Example of Turret


Example of Valley


Example of Veranda


Example of Window Sash


Example of Wooden Clapboards

STRIATED BRICK shall mean brickwork made up of rows of bricks of alternating colors, typically red and white.

STUCCO shall mean a plaster used as a coating for walls and ceilings, and often used for decoration.

TERRACE shall mean an outdoor extension of a building, situated above the ground level, and open to the sky. See patio.

THATCHED ROOF shall mean a roof covered with straw, which is layered so as to shed rain quickly and effectively.

TILE ROOF shall mean a roof covered with tiles, usually hollow and half-cylindrical in shape and made out of clay.

TILE INSET shall mean a panel of clay or ceramic tile.

TOWER shall mean an exceptionally tall portion of a building.

TRANSOM LIGHT shall mean a narrow window, sometimes hinged at the top, positioned over a doorway or larger window.

TRUSS shall mean a rigid framework, as of wooden beams or metal bars, which supports a structure, such as a roof.

TURRET shall mean a small tower that pierces a roofline. A turret is usually cylindrical and is topped by a conical roof.

VALLEY shall mean a line where two slopes on a roof intersect on the sides.

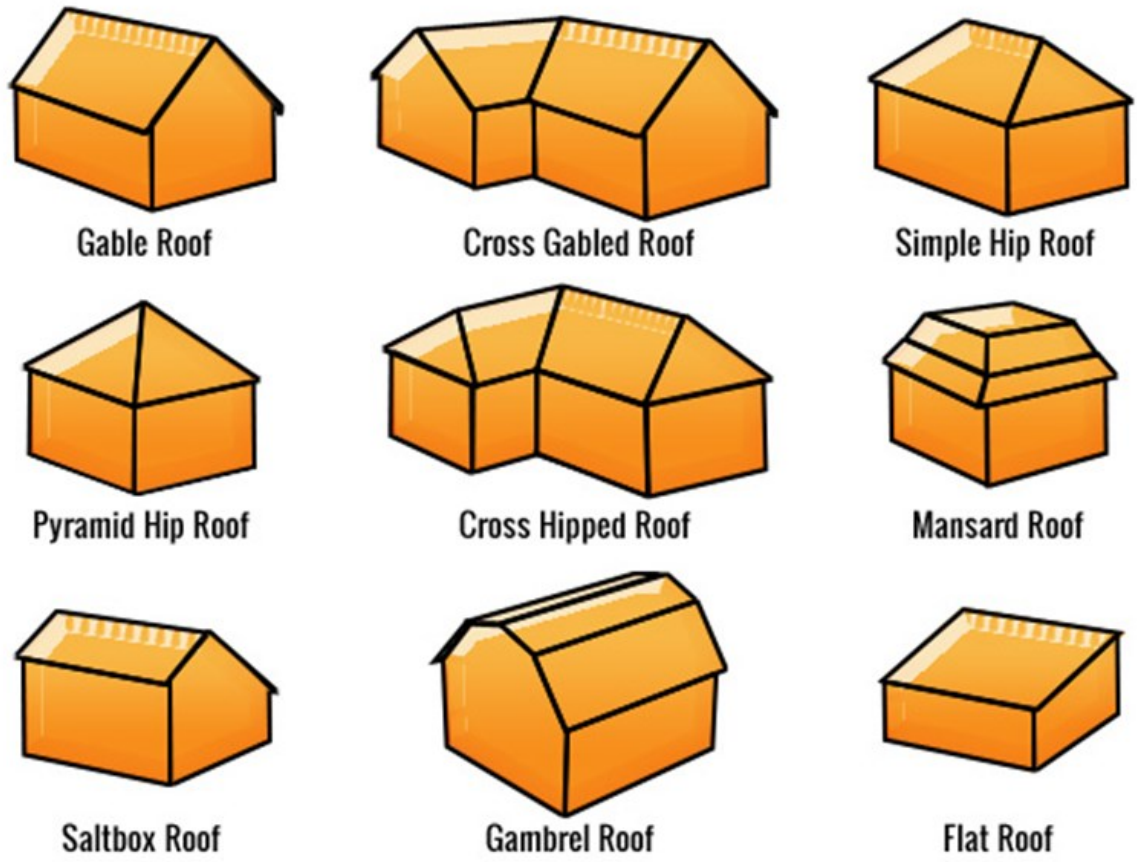
VERANDA shall mean an open, roofed porch, usually enclosed on the outside by a railing or balustrade, and often wrapping around two or more (or all of the) sides of a building.

WINDOW SASH shall mean the movable frames in a window in which windowpanes are set.

WOODEN CLAPBOARDS shall mean long slats of wood that are nailed to an exterior surface in a horizontal fashion, overlapping one another from top to bottom.

WOODEN SHINGLES shall mean small, rectangular-shaped slats of wood that are nailed to an exterior surface, overlapping one another from top to bottom.

Diagram 6-1: ROOF TYPES (a sampling)



Section 6.10 C-O: Corridor Overlay District

6.10.01 Intent:

The City of Hickman has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Corridor Overlay District has been established in order to implement the policies and guidelines developed by the City of Hickman. These criteria include but are not limited to the following: landscaping, building material selection, lighting, and road development. The purpose for regulating these items is to provide for a cohesive and properly developed corridor along existing and future arterial streets. Guiding development in this manner promotes the general health, safety, and welfare of the residents within the zoning jurisdiction of Hickman by providing quality design and construction, which also aids in the protection of past and future investment in the corridors. The regulations in the overlay district are in addition to those of the underlying base zoning district for the property and affect all new or expanded (20 percent or more of original footprint) public, commercial, industrial, multi-family residential, residential subdivisions, and mixed-use buildings and properties. Where regulations are in direct conflict with other regulations in this Ordinance, the stricter shall apply.

6.10.02 Purpose:

The purpose of these criteria is to establish a checklist of those items affecting the physical aesthetics of Hickman. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects observed by the public. The minimum criteria contained herein are not intended to restrict imagination, innovation, or variety but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve taxable values, and promote the public health, safety, and welfare.

6.10.03 Geographic Area:

The Corridor Overlay District extends generally from the right-of-way line up to 660 feet on either side of an existing or future arterial street. Entrance nodes should also be recognized on all four sides of the City. If a building or structure is, or proposed to be, partially covered by said overlay district, then the entire portion facing the corridor is to be covered by these regulations. For a graphically defined area, see the Official Zoning Map. In no case extends greater than 660 feet from the centerline of an arterial, or future arterial, street.

6.10.04 Permitted and Conditional Uses:

All Permitted and Conditional Uses contained in the Land Use Matrix, Section 5.07, are permitted unless specifically noted in these regulations, Mixed Use Development agreement or a Planned Unit Development Agreement, subject to any conditions listed in this Ordinance and other conditions as recommended by the Planning Commission and approved by the City Council.

6.10.05 Criteria for Application:

1. Structures Required for Review
   - A. All developments and properties consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.
   - B. All developments and properties consisting of more than one principal building, mixed-uses, multiple-pad development, and/or similar developments shall comply.
   - C. Rehabilitation. The design standards shall apply to existing, conforming development within the corridor when rehabilitation is proposed to a structure or a site that will meet or exceed the standard of either 20 percent increase of the existing size or cost are more than 50 percent of the current appraised value of the structure or site. Rehabilitation is renovation, restoration, modification, addition or retrofit. Rehabilitation costs or measurements shall be aggregated over a five-year period to determine whether the rehabilitation is subject to the design standards. Rehabilitation projects shall conform to the model design standards to the greatest extent possible. Where conformance is not possible for any part of a standard, the applicant shall provide a written explanation for each area(s) of noncompliance to be considered with the application.
2. Process.
   - A. Subdivision, Conditional Use, and/or Building Permit Approval: All Commercial, Industrial, and Multi-Family building projects within the Corridor Overlay District of the City of Hickman are required to receive appropriate subdivision, conditional use permit, and/or building

permit approval. As a condition of its subdivision, conditional use permit, and/or permit approval, all commercial, industrial, and multi-family building projects within the required geographic region shall comply with the Corridor Overlay District regulations and Corridor Overlay District Design Guideline Booklet. The Developer shall place maintenance provisions required by this section within all restrictive covenants.

B. Pre-application Conference: A pre-application conference with the Zoning Administrator is required to give the applicant an opportunity to discuss plans before a great deal of time or money is expended. The applicant shall schedule and attend a pre-application conference with the City no more than 60 days prior to the submitting a complete site plan application. Site plan information shall be submitted to the City at least 14 business days prior to the pre-application conference in a form identified by the City.

C. Application for Design Review: The applicant shall fill out the "Application for Certificate of Approval" and submit it along with the required submittals and design review fee. See Corridor Overlay District Design Guideline Booklet for a listing of required submittals.

D. Design Review: The Zoning Administrator (or Design Review Board/Architect) will review the submittal documents for compliance with regulations and intent of the overlay district and those identified in the Corridor Overlay District Design Guideline Booklet. When an outside consultant for design review is determined to be in the best interest of the public, all fees associated with the review shall be borne by the applicant.

E. Certificate of Approval: Upon a successful review, the City of Hickman will issue to the applicant a Certificate of Approval. A copy of this shall be included with the Building Permit documents in order to receive a Building Permit. Any changes or amendments to the building design and/or site plan will require another review of the City and depending on the changes may warrant another full review application process and fee.

F. Appeals: In the event where the Applicant, the Zoning Administrator, and City Design Review Board/Architect cannot come to an agreement, the applicant may appeal the decision by requesting an amendment to the Subdivision Agreement (if appropriate) from the Hickman City Council.

G. Certificate of Occupancy Permit: After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.

H. Maintenance of Design requirements: The property owner is required to maintain the design requirements of the project. Neglect in maintaining the structure's appearance, landscaping, lighting, and other design requirements may result in the revocation of the Occupancy Permit.

I. Fees: Fees may apply to each step as established in the City's Master Fee Schedule.

3. Factors for Evaluation.

The following factors and characteristics that affect the appearance of a development will govern the evaluation of a design submission:

A. Conformance of regulations and the Building Design Criteria provided for in Sections 11.05 and 11.18 and consistent with the Corridor Overlay District Design Guideline Booklet.

B. Logic of design.

C. Exterior space utilization.

D. Architectural character.

E. Attractiveness of material selection.

F. Harmony and compatibility.

G. Circulation-vehicular and pedestrian.

H. Maintenance aspects.

I. Protection of natural features, resources, historical and cultural aspects, and sensitive areas.

6.10.06 Criteria for Appearance:

1. Relationship of Buildings to Site. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

A. Site planning in which setbacks and yards are in excess of standard zoning restrictions is encouraged to provide an interesting relationship between buildings.

B. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.

C. Without restricting the permissible limits of the applicable zoning district, the height and

scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

D. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

E. Refuse and waste removal areas, service yards, storage yards, loading areas, and exterior work areas shall be oriented to the rear of the building away from public right-of-way or properly and permanently screened from view from public ways and from residential zoned properties using materials and berming as stated in criteria for equipment screening.

2. Relationship of Buildings and Site to Adjoining Area (Outside of subdivision or developments)
   A. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
   B. Attractive landscape transitions shall be designed to be compatible to adjoining properties, particularly residential zoned properties.
   C. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
3. Landscape and Site Treatment. Landscape elements included in these criteria consist of all forms of planting and vegetative cover, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. Upon installation of required landscape materials, each owner shall take actions to ensure continued health and maintenance of such. Required landscaping that does not remain healthy shall be replaced consistent with these regulations.
   A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
   B. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
   C. Landscape treatments shall be provided to enhance architectural features and provide shade. Large landscape features with spectacular effects shall be reserved for special locations only.
   D. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
   E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used. See Corridor Overlay District Design Guideline Booklet for a listing of preferred plant materials.
      1) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. One tree at least every 40 feet shall be planted and maintained on the property along all street frontages. All projects shall use a minimum of the following listed plant varieties. See Corridor Overlay District Design Guideline Booklet for a listing of those plant materials.
         a. A minimum of two species listed under the deciduous tree category.
         b. A minimum of one species listed under the coniferous tree category.
         c. A minimum of one species listed under the deciduous shrub category.
         d. A minimum of one species listed under the coniferous shrub category.
   F. Parking areas and traffic ways shall be hard surfaced and striped and shall be enhanced with landscaped spaces containing trees or tree groupings and shrubs to provide shade, direction, and aesthetics. Plant material within the right of way shall meet the applicable standards of County or City depending on location.
   G. Screening of service yards and other places such as mechanical equipment, trash dumpsters, or other items that tend to be unsightly shall be accomplished by use of screen walls (brick, stone, ironwork, or some other accepted material finish), fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer months. Screening shall be taller than the item to be screened.
   H. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Such building lighting shall be downward facing and be similar in appearance and quality level as those in the Corridor Overlay District Design Guideline Booklet. Lighting standards and fixtures for pedestrian ways, parking areas, and drives within the commercial, industrial, and multi-family building area shall be similar in appearance and quality level as

those in the Corridor Overlay District Design Guideline Booklet. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact and adversely affect adjoining properties, especially residential areas. Lighting within the right of way shall meet the applicable requirements of County or City depending on location and shall be of aesthetic quality where possible.

I. No residential fencing within this Corridor Overlay District shall exceed six feet in height and perimeter fencing within the subdivision shall match in style and color. If multiple styles and colors exist prior to the adoption of these regulations, then any new fence shall be similar to that style and color used most.

J. Fencing used for screening within the Corridor Overlay District and/or as part of a commercial or industrial development shall be required to be a solid fence. Chain link fences, with or without slats, shall not be used to satisfy this screening requirement. All industrial and commercial fencing shall follow the established fencing regulations of the zoning ordinance but shall not exceed eight feet within the Corridor Overlay District.

K. Whenever possible, all off street parking shall be to the rear of the building, and all such parking shall have a six feet wide planting buffer and berming, plantings, and/or screen wall at the public right of way or nearest exterior lot line.

L. Screen walls shall either be brick, stone, ornamental ironwork, or some other accepted material finish. All parking in the front of the building shall require berming and/or landscaping that screens the parking from public right-of-way.

M. Outdoor vending machines, ATMs, group mailboxes, or other accessory structures shall be properly screened from public right-of-way by landscaping screens.

N. Any proposed shopping cart storage and returns shall be identified on the site plan and considered in the overall design process.

4. Building Design

A. Each commercial, civic, industrial, business, and multi-family development shall create its own identity with unique design themes based on a palette of compatible rooftops, materials, and colors. Such identity shall be developed according to these base design guidelines but may go above and beyond. Once a theme is developed, all buildings in the development shall share the common architectural and landscaping themes, materials, and styles. See Corridor Overlay District Design Guideline Booklet for examples of developments or buildings considered meeting this preferred concept. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

B. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development. Buildings with multiple heights or section levels shall orient the shorter to the public right-of-way.

C. The primary building material of all portions of the structures shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, precast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. Other primary building materials (of good architectural character, i.e., standard CMU, pre-engineered metal building panels) will be allowed if a minimum of 30 percent of the street side façade(s) is of a preferred material. Changes in use from industrial to another use shall require preferred materials improvements to the building. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

D. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

E. Materials shall be of durable quality.

F. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

G. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

H. Colors shall be harmonious and use only compatible accents.
I. Building material colors (including painted) shall be of low reflectance, subtle, neutral, or earth tones and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used and are aesthetically pleasing. See Corridor Overlay District Design Guideline Booklet for examples of preferred colors.
J. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building such as plant material, walls, fences, and parapets, or they shall be so located as not to be visible from any public ways and/or residential zoned properties.
K. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Such building fixtures shall be down lighting and consistent with style of lighting used for parking and pedestrian ways. See Section Error! Reference source not found. and Corridor Overlay District Design Guideline Booklet for examples of preferred fixtures and standards for the identified corridors/areas.
L. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. Measures shall be taken to break up the flatness of all buildings and reduce the scale of large buildings using windows and architectural building design and techniques. No street-facing façade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet and minimum change in plane of 24 inches. One of the following is also required in the building design to break up the monotonous appearance:
    1) Changes in color, graphical patterning, changes in texture, or changes in material(s);
    2) Windows and fenestration;
    3) Arcades and pergolas;
    4) Towers;
    5) Gable projections;
    6) Horizontal/vertical breaks; or
    7) Other similar techniques
M. Building orientation shall be toward a street unless it is demonstrated that this would not be feasible. All sides of a building facing public rights-of-way shall be designed as a building front and each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:
    1) Canopies or porticoes;
    2) Overhangs;
    3) Recesses or projections;
    4) Arcades;
    5) Arches;
    6) Peaked roof forms;
    7) Outdoor patios;
    8) Display windows;
    9) Architectural tile work or moldings integrated into the building design;
    10) Integrated planters or wing walls that incorporate landscaped areas or seating areas.
N. Drive-thru windows should not face any arterial or collector streets/highways unless screened with landscaping or separated with an access/frontage road.
O. Pitched or gabled roofs shall have a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Flat roofs on buildings shall have parapets. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.
P. Buildings shall not be allowed to have visible exterior metal supports.
Q. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Window area on each façade shall be equal to at least 20 percent of the area of the façade. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building.
R. Windows shall maintain the architectural character of the structure of which they are a part.
S. Awnings or canopies shall be made of metal or cloth material and when over entries shall

not be over nine feet high (pedestrian height).

T. Building gutters and downspouts shall be located on the side of the buildings instead of the front and said gutters and downspouts shall be interior instead of exterior whenever possible.
U. Walkway coverings shall be of sheet metal, metal shingles, standing-seam construction, or canvas or cloth.
V. Planter boxes and screening walls, when used, shall be compatible with the primary structure.
W. Franchise architecture that meets these minimum standards is allowed. National "standard", prototype, or trademark designs shall be adapted to be compatible with these standards.
X. Multi-family residential developments shall provide a minimum 30 feet of open space between principal buildings. Multi-family structures taller than two stories shall provide a gradual height transition by "stepping-down" to meet the approximate height of adjacent single-family homes or other structures of lesser height.

5. On-Site Automobile, Pedestrian, and Bicycle Circulation
   A. Intent Create a safe and efficient vehicular circulation system that avoids traffic congestion. Create a safe, continuous pedestrian and bicycle network that minimizes conflict with vehicular movement while promoting a convenient option for movement within and between developments.
   B. Standards All city and/or county vehicular and pedestrian circulation standards shall apply unless otherwise provided herein.
   C. All multifamily and nonresidential developments shall provide pedestrian and vehicular connections to each adjoining public street.
   D. Primary circulation and access to and from multifamily and nonresidential use areas shall be oriented toward predominately non-single-family residential streets.
   E. All on-site sidewalks and pedestrian walkways shall be a minimum width of five feet unless part of a city trail system where such walks shall adhere to such standards.
   F. All sidewalks and pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.
   G. Except for single family dwellings, private full movement driveways giving access to development sites shall be aligned across public streets to contribute to circulation efficiency unless determined otherwise by the City Engineer.
   H. On-site sidewalk systems (or identified walkways) shall provide pedestrian connections that do not require walking across grass, landscaped areas, or the drive lanes of parking areas.
   I. Each point at which the system of sidewalks or walkways must cross an internal street, drive, or parking lot shall be clearly marked through the use of change in paving materials, height, or distinctive colors.
   J. The hardscape features described in this section, e.g., sidewalks, driveways, etc., shall seek to minimize imperviousness whenever possible and be designed to complement the LID (low impact development) stormwater management features on the site.
   K. All parking requirements shall meet the minimum standards for the use of the property and parking, and related drive-thru uses shall be designed to promote efficient circulation.

6. On-Site Surface Parking
   A. Intent. Parking areas shall be designed and located to minimize negative visual impacts particularly as viewed from an existing or future arterial street, frontage streets, and residential development.
   B. Standards
      1. All applicable local minimum off-street parking and loading requirements shall be met, and all off-street parking shall be hard surfaced and striped.
      2. No more than 35 percent of a site's frontage along 1) existing Arterial Street, 2) future Arterial Street, or 3) residential development shall be occupied by parking. If a property has dual or reverse frontage on both arterial streets and a frontage road, this standard shall apply to the frontage on the arterial street.
      3. Garage entries, carports, and parking structures shall be internalized in building groupings or oriented away from street frontage to the maximum extent feasible.
      4. The number of contiguous parking spaces shall be limited to 20, and each block of 20

shall be separated from each other by at least one of the following methods:

a. A landscaped island that separates the blocks and is at least nine feet wide;
b. A pedestrian walkway or sidewalk within a landscaped median that is at least nine feet wide;
c. A decorative fence or wall, a minimum of three feet in height, bordered by five feet of landscaping on at least one side;
d. An access drive or public street bordered by five feet of landscaping on at least one side; or
e. A building or buildings.

5. All of the required landscaped areas must contain a minimum of 75 percent living and irrigated landscaping material with a maximum of 25 percent nonliving landscaping material. Approved sidewalks are not counted toward the nonliving landscape material percentage.
6. Parking lot design shall incorporate terminal islands at the end of parking row. Divider strips between parking rows shall be used to help disperse the required landscaping throughout the entire parking lot.
7. Large areas of parking (50 or more spaces) shall be distributed between the back or sides of a building with not more than 50 percent of the parking for the entire property remaining between the principal building and the primary abutting street.
8. The perimeter of all parking areas shall be buffered from adjacent streets, public rights-of-way, public open space, and adjacent uses by at least one of the following methods:
   a. A berm three feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs;
   b. A hedge at least three feet high, consisting of a double row of shrubs planted three feet on center along 75 percent of the perimeter length; or
   c. A fence or wall at least three feet high in combination with landscaping.
9. All plant materials (see Corridor Overlay District Design Guideline Booklet for a listing of preferred plant materials) shall be installed in the following minimum sizes:
   a. Deciduous shade trees – 2-inch caliper
   b. Ornamental trees – 2-inch caliper
   c. Evergreen trees – 5 feet high
   d. All shrubs – 5-gallon container
   e. Groundcover, annuals, and perennials – 1 gallon container

6.10.07 Penalties.

Any person, firm, corporation or agency acting as principal, agent, and employee or otherwise, who fails to comply with the provisions of this article, shall fall under Article 13.

Section 6.11 D-O: Downtown Overlay District

6.11.01 Intent:

The Downtown Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas located within and around the downtown district of the City of Hickman. The district is intended to guide new construction and to promote small-scale pedestrian-oriented development to service both the surrounding businesses and residential areas. Conformance of regulations and the Building Design Standards provided for in Section 11.05 and 11.18 and consistent with the Downtown Overlay District Design Guideline Booklet.

6.11.02 Purpose:

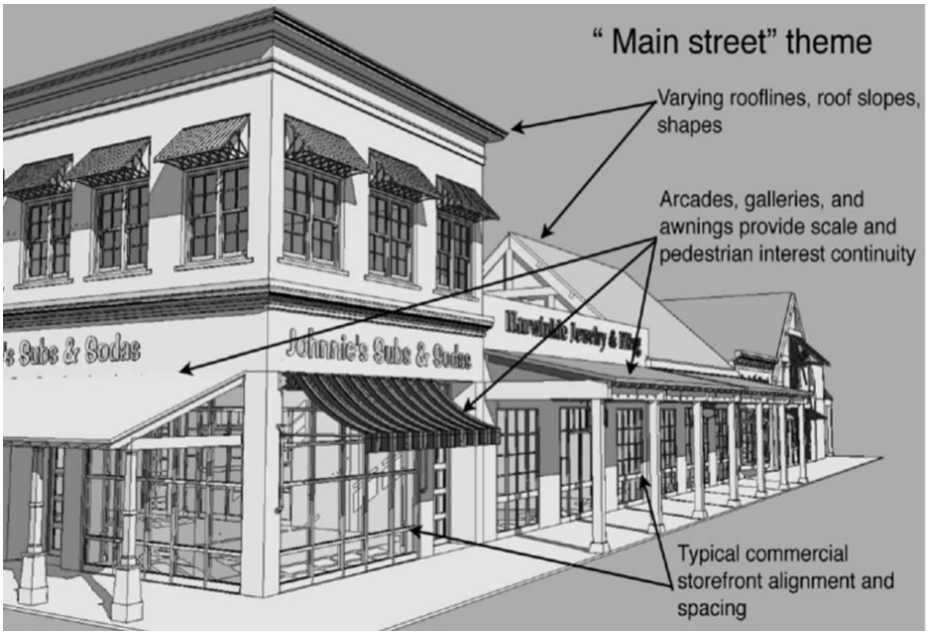
The character of the Downtown Overlay District reflects a dense, pedestrian-oriented building pattern with structures set upon or near the front lot line, a high ratio of building coverage to site, and a single or two-story building facade pattern that is architecturally articulated to the scale of a traditional pedestrian environment.

6.11.03 Geographic Location:

The Downtown Overlay District applies to an area within the City of Hickman's zoning jurisdiction originally platted as Hickman Addition, Blocks 15 – 27, and all lots contained therein. Generally located south of 3rd Street, east of Main Street, west of Elm Street, and north of the railroad tracks.

6.11.04 Criteria for Application:

The provisions of the overlay district shall apply to all new development and existing, conforming development when rehabilitation is proposed that will meet or exceed the standard of either 20 percent increase of the existing size or and expenditure more than 50 percent of the current appraised value of the structure or site. Rehabilitation is renovation, restoration, modification, addition or retrofit. Rehabilitation costs or measurements shall be aggregated over a five year period to determine whether the rehabilitation is subject to the design standards. Rehabilitation projects shall conform to the model design standards to the greatest extent possible. Where conformance is not possible for all or any part of a standard, the applicant shall provide written explanation for each area of noncompliance, substantial improvement or enlargement on each lot or site.



6.11.05 Permit Requirements and Exceptions:

1. Anyone wishing to erect, construct, reconstruct, repair, or establish any building.
2. Exception: Single Family Residential established prior to the adoption of this ordinance.

6.11.06 Dumpsters and Trash Bins:

1. All dumpsters or trash bins shall be screened from public view with elements such as trees, shrubs, or fence a minimum of six feet in height, unless it can be demonstrated that this is not feasible.

6.11.07 Design Standards:

1. Building Design
   A. Each commercial, civic, industrial, business, and multi-family development shall create its own identity with unique design themes based on a palette of compatible rooftops, materials, and colors. Such identity shall be developed according to these base design guidelines but may go above and beyond. Once a theme is developed, all buildings in the development shall share the common architectural and landscaping themes, materials, and styles. See Downtown Overlay District Design Guideline Booklet for examples of developments or buildings considered meeting this preferred concept. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
   B. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
   C. The primary building material of all portions of the structures shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, precast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. Other primary building materials (of good architectural character, i.e., standard CMU, pre-engineered metal building panels) will be allowed provided a minimum of 30 percent of the street side façade(s) is of a preferred material. Changes in use from industrial to another use shall require preferred materials improvements to the building. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
   D. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
   E. Materials shall be of durable quality.
   F. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
   G. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
   H. Colors shall be harmonious and use only compatible accents.
   I. Building material colors (including painted) shall be of low reflectance, subtle, neutral, or earth tones and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used and are aesthetically pleasing. See Downtown Overlay District Design Guideline Booklet for examples of preferred colors.
   J. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building such as plant material, walls, fences, and parapets, or they shall be so located as not to be visible from any public ways and/or residential zoned properties, unless it can be demonstrated that it is not feasible.
   K. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Such building fixtures shall be down lighting and consistent with style of lighting used for parking and pedestrian ways. The maximum height of lighting standards shall be the lesser of 25 feet or not to exceed the height of the building. The exterior lighting of buildings shall be limited to low-level spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. See Downtown Overlay District Design Guideline Booklet for examples of preferred fixtures and standards for the identified Downtown areas.
   L. Monotony of design in single or multiple building projects shall be avoided. Variation of

detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. Measures shall be taken to break up the flatness of all buildings and reduce the scale of large buildings using windows and architectural building design and techniques. No street-facing façade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet and minimum change in plane of 24 inches. One of the following is also required in the building design to break up the monotonous appearance:

1) Changes in color, graphical patterning, changes in texture, or changes in material(s);
2) Windows and fenestration;
3) Arcades and pergolas;
4) Towers;
5) Gable projections;
6) Horizontal/vertical breaks; or
7) Other similar techniques

M. Building orientation shall be toward a street unless it is demonstrated that this would not be feasible. All sides of a building facing public rights-of-way shall be designed as a building front and each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:

1) Canopies or porticoes;
2) Overhangs;
3) Recesses or projections;
4) Arcades;
5) Arches;
6) Peaked roof forms;
7) Outdoor patios;
8) Display windows;
9) Architectural tile work or moldings integrated into the building design;
10) Integrated planters or wing walls that incorporate landscaped areas or seating areas.

N. Pitched or gabled roofs shall have a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Flat roofs on buildings shall have parapets. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.

O. Buildings shall not be allowed to have visible exterior metal supports.

P. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Window area on each façade shall be equal to at least 20 percent of the area of the façade. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.

Q. Windows shall maintain the architectural character of the structure of which they are a part.

R. Awnings or canopies shall be made of metal or cloth material and when over entries shall not be over nine feet high (pedestrian height).

S. Building gutters and downspouts shall be located on the side of the buildings instead of the front and said gutters and downspouts shall be interior instead of exterior whenever possible.

T. Walkway coverings shall be of sheet metal, metal shingles, standing-seam construction, or canvas or cloth.

U. Planter boxes and screening walls, when used, shall be compatible with the primary structure.

V. Franchise architecture that meets these minimum standards is allowed. National "standard", prototype, or trademark designs shall be adapted to be compatible with these standards.

6.11.08 Penalties:

Any person, firm, corporation, or agency acting as principal, agent, and employee or otherwise, who fails to comply with the provisions of this article, shall fall under Article 13.

Section 6.12 FP-O: Floodplain Overlay District

6.12.01 Purpose:

Purpose It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in this section by applying the provisions of this Ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
3. Reduce financial burdens from flood damage borne by the community, governmental units, residents, and businesses by preventing excessive and unsafe development in areas subject to flooding.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

6.12.02 Establishment of Floodplain Overlay District:

The Floodplain (FP) is divided into the two areas: a Floodway (FW) area and a Flood Fringe (FF) area as identified in the Flood Insurance Study amended April 16, 2013, and on accompanying FIRM panels.

6.12.03 Special Flood Hazard Area:

Along watercourses where a floodway (FW) has been established, the area surrounding the FW is mapped and labeled the Special Flood Hazard Area (SFHA). The SFHA area is divided into zones: A, AE, AH, AO, AR, A99, V and VE on the map based on level of risk. The SFHA map highlights areas subject to inundation by the one (1%) percent annual chance flood (100-year flood) and two (0.2%) percent annual chance of flood (500-year flood). See Diagrams 6-2 and 6-3.

Diagram 6-2 100-Year Floodplain with Floodway and Fringe

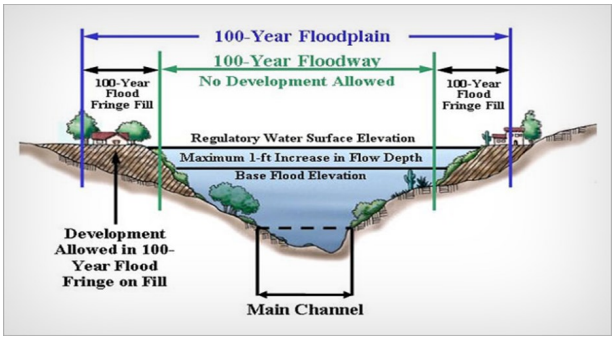


Diagram 6-3 Example a FIRM Panel Map mapping the SFHA

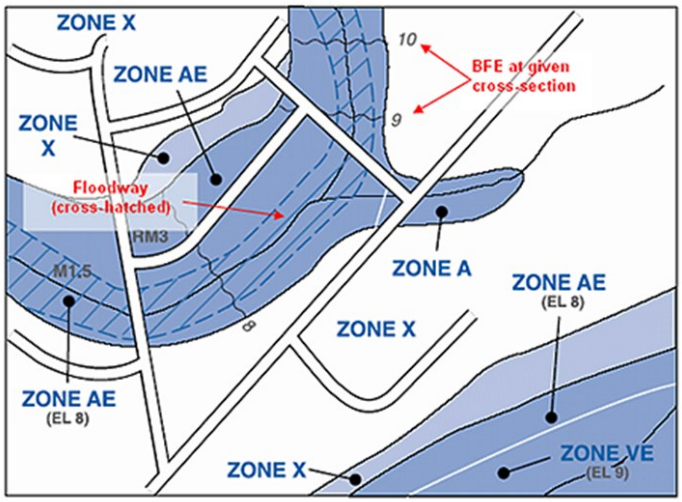
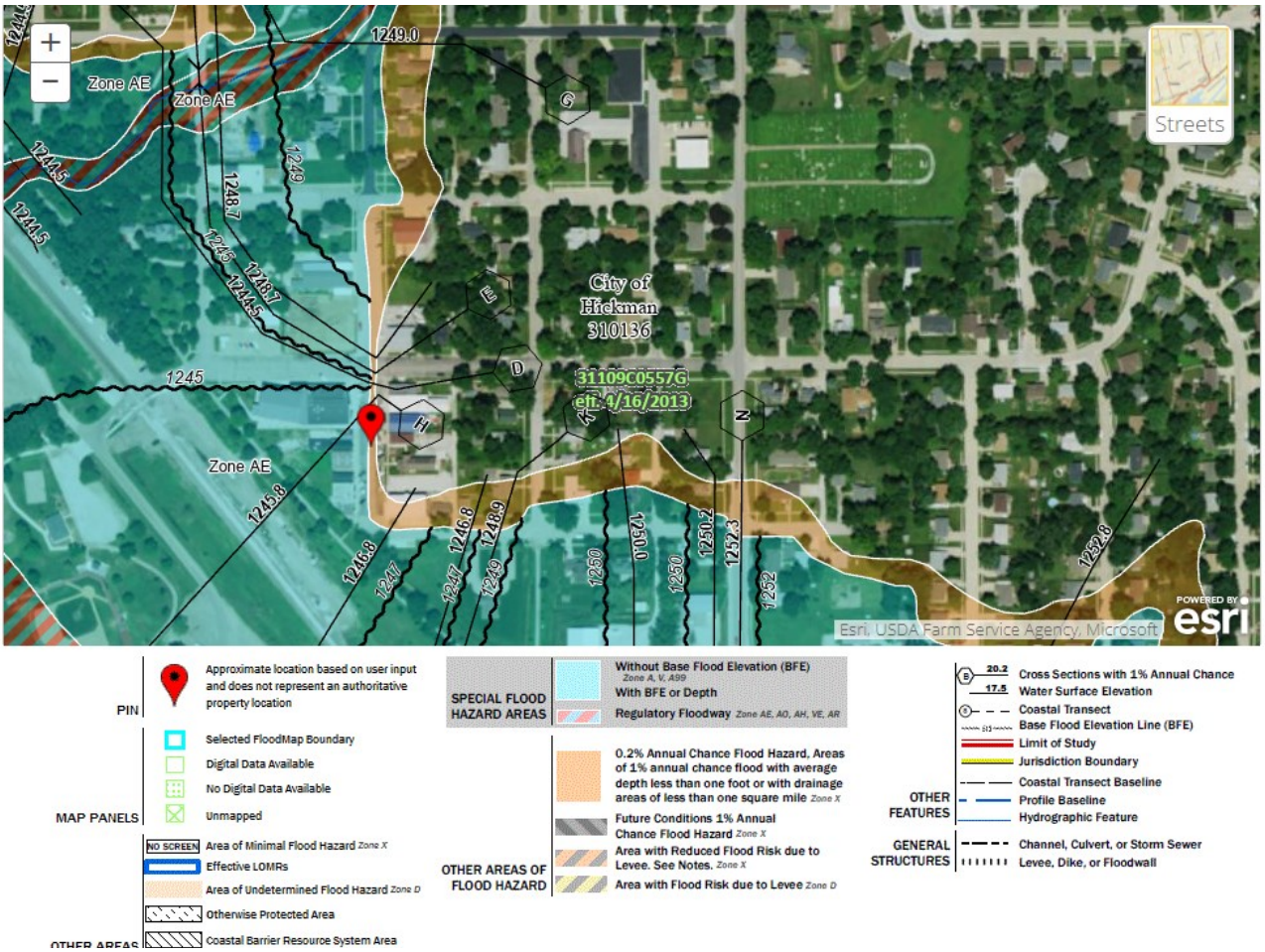
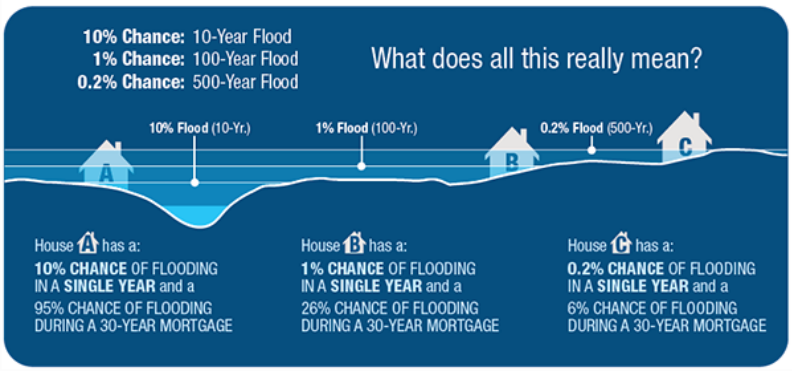


Diagram 6-4 A snip of the City of Hickman's FIRM Panel 557 SFHA



6.12.04 Statutory Authorization, Findings of Fact, And Regulations:

1. Statutory Authorization. The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in Nebraska Revised Statutes Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the floodprone area. Therefore, the City Council of Hickman, Nebraska ordains as follows:
2. Findings of Fact.
   A. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of Hickman, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
   B. General Causes of the Flood Losses. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.



3. Adherence to Regulations. The regulations of this Ordinance are

in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

6.12.05 General Provisions:

1. Lands to Which Ordinance Applies This Ordinance shall apply to all lands within the jurisdictions of Hickman identified on the Flood Insurance Rate Map (FIRM) panels 0444G, 0445G, 0463G, 0557G, 0575G, and 0576G dated April 16, 2013, as shown on the FIRM Map Index 31109CIND0B dated April 16, 2013, as Zones A, A1-30, AE, AO, or AH and within the FP/FW Districts established in Section 4.11 of this Ordinance. In all areas covered by this Ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the Floodplain Administrator or the City Council under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 6.12.05 and 6.12.06.
2. Rules for Interpretation of Overlay District Boundaries The boundaries of the FW and FF areas shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the Floodplain Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustments will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustments and to submit their own technical evidence, if so desired.
3. Compliance Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
4. Abrogation and Greater Restrictions This Ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
5. Interpretation In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
6. Warning And Disclaimer of Liability The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not create liability on the part of The City of Hickman or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
7. Severability If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6.12.06 Floodplain Management Administration:

1. Designation of Floodplain Administrator. The Floodplain Administrator is hereby designated/ appointed by City Council as the community's local Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of the Floodplain Ordinance. The designated Floodplain Administrator shall, within one (1) year of being designated as such shall become a Certified Floodplain Manager. If the local Floodplain Administrator position is unfilled, the City Administrator shall assume the duties and responsibilities herein.
2. Permits Required. A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation,

government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

3. Duties of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to the following:
   A. Review, approve, or deny all applications for floodplain development permits.
   B. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this Ordinance have been satisfied.
   C. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
   D. Review all subdivision proposals and other proposed new development, including mobile home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
   E. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
   F. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
   G. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
   H. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
   I. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
   J. Ensure comprehensive development plan as amended is consistent with this Ordinance.
   K. In the event the Floodplain Administrator discovers work done that does not comply with applicable laws or ordinances, the Floodplain Administrator shall revoke the permit and work to correct any possible violation in accordance with this Ordinance.
4. Application for Permit and Demonstration of Compliance.
   A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
      1) Identify and describe the proposed development and estimate cost of the job covered by the floodplain development permit.
      2) Describe the land by lot, block, tract, and house address, or similar description that will readily identify and locate the proposed building or development.
      3) Indicate the use and occupancy of the proposed development.
      4) Be accompanied by plans and specifications for proposed construction.
      5) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
   B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
      1) All such proposals are consistent with the need to minimize flood damage;
      2) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
      3) Structures will be anchored to prevent flotation, collapse, or lateral movement;
      4) Construction materials are flood resistant;
      5) Appropriate practices to minimize flood damage have been utilized; and
      6) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
   C. For all new and substantially improved structures, an Elevation Certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the Floodplain Administrator and be completed by a licensed surveyor, engineer, or architect.
   D. When floodproofing is utilized for an applicable structure, a Floodproofing Certificate shall

be provided to the Floodplain Administrator and be completed by a licensed professional engineer or architect.

E. For all development proposed in the floodway, no-rise certification shall be provided to the Floodplain Administrator and be completed by a licensed professional engineer.

F. Any other such information as reasonably may be required by the Floodplain Administrator shall be provided.

5. Flood Data Required.
   A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this Ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
   B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.
6. Variance and Appeals Procedures.
   A. The Board of Adjustments as established by The City of Hickman shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
   B. The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
   C. Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided in Nebraska Revised Statutes Section 23-168 (for counties) and Nebraska Revised Statutes Section 19-192 (for municipalities).
   D. In evaluating such appeals and requests, the Board of Adjustments shall consider technical evaluation, all relevant factors, standards specified in other sections of this Ordinance, and:
      1) The danger to life and property due to flooding or erosion damage;
      2) The danger that materials may be swept onto other lands to the injury of others;
      3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
      4) The importance of the services provided by the proposed facility to the community;
      5) The necessity of the facility to have a waterfront location, where applicable;
      6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
      7) The compatibility of the proposed use with existing and anticipated development;
      8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
      9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
      10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
      11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.
7. Conditions for Variances
   A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
   B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
   C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or

ordinances.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 5-9 below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.

G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

8. Enforcement.

A. Violations. Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this Ordinance shall constitute a violation. A structure or other development without a floodplain development permit, Elevation Certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

B. Notices. When the Floodplain Administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this Ordinance, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1) Be in writing;
2) Include an explanation of the alleged violation;
3) Allow a reasonable time for the performance of any remedial act required;
4) Be served upon the property owner or their agent as the case may require; and
5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this Ordinance.

C. Penalties. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1) The imposition of such fines or penalties for any violation or noncompliance with this Ordinance shall not excuse the violation or noncompliance or allow it to continue. All such violations or noncompliant actions shall be remedied within an established and reasonable time.
2) Nothing herein contained shall prevent the City of Hickman or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

6.12.07 Standards for Floodplain Development:

1. General Provisions.

A. Alteration or Relocation of a Watercourse

1) A watercourse or drainage way shall not be altered or relocated in any way that in the

event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainage way to the detriment of upstream, downstream, or adjacent locations.

2) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

B. Encroachments

1) When proposing to permit any of the following encroachments, these standards shall apply:
   a. Any development that will cause a rise in the base flood elevations within the floodway; or
   b. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one (1) foot in the base flood elevation; or
   c. Alteration or relocation of a stream; then

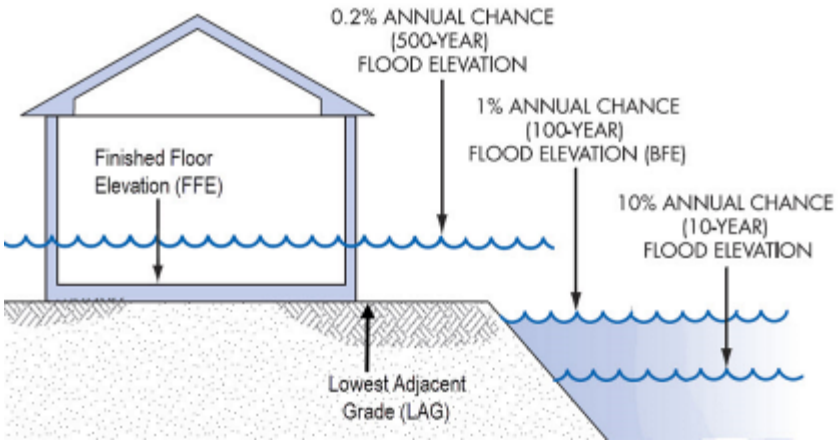
2) The applicant shall:
   a. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
   b. Supply the fully approved package to the Floodplain Administrator including any required notifications to potentially affected property owners.

C. Floodway Area

1) Standards for the Floodway Area
   a. New structures for human habitation are prohibited.
   b. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 6.12.06.
   c. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 6.12.07 "Subdivisions", in meeting the standards of this section.

2) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Area to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Area:
   a. Agricultural uses such as general farming, pasture, nurseries, and forestry.
   b. Residential uses such as lawns, gardens, parking, and play areas.
   c. Nonresidential uses such as loading areas, parking, and airport landing strips.
   d. Public and private recreational uses such as sports field(s), archery ranges, picnic grounds, parks, and wildlife and nature preserves.

Diagram 6-5 Elevation Diagram



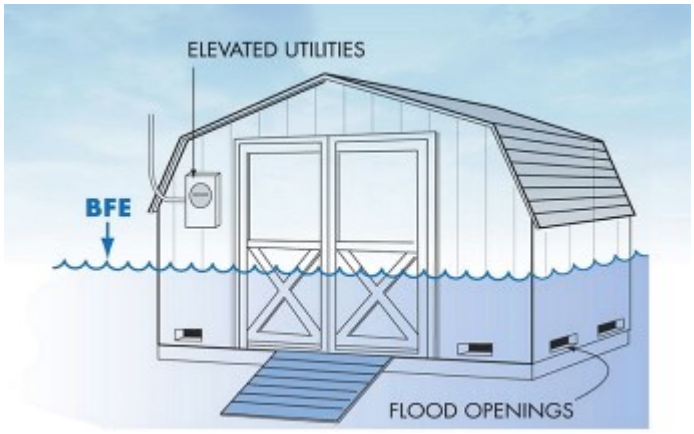
2. Elevation and Floodproofing Requirements
   A. Residential Structures
      1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation. See Diagram 6-5.
      2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
      3) In the floodway, new structures for human habitation are prohibited.
      4) All manufactured (mobile) homes placed in Special Flood Hazard Areas (SFHAs) have to be elevated to or above the BFE, except those being placed in an existing manufactured (mobile) home park or subdivision. Manufactured (mobile) homes placed on a site in an existing manufactured (mobile) home park or subdivision must be elevated on at least 3-foot reinforced piers or equivalent foundations, or to or above the BFE if that is lower. If a manufactured (mobile) home had previously been substantially damaged on a specific site, new placements on that site must be elevated to or above the BFE.
         a. Anchoring Systems:
            i. Anchoring systems are a critical component of a manufactured (mobile) home installation. Anchoring systems generally consist of ties (straps) and anchors. The ties are generally of two types: over-the-top ties and frame ties which connect the I-beam to the anchor.
            ii. Ties are secured to either a ground anchor, which may be a screw auger or concrete deadman anchor, or to a slab anchor, or to the foundation itself.
            iii. Anchors must be sufficiently embedded to account for saturated soil conditions which accompany flooding.
            iv. To anchor a manufactured (mobile) home to a pier foundation, frame ties connect the I-beams to an anchor set into the ground below the home. For posts or piles, the I-beams can be anchored directly to the horizontal beam of the foundation.
   B. Nonresidential Structures
      1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
         a. The structure is watertight with walls substantially impermeable to the passage of water and
         b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
         c. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Floodproofing Certificate shall be provided to the Floodplain Administrator as set forth in Section 6.12.05.
      2) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
         a. The structure is watertight with walls substantially impermeable to the passage of water and
         b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
         c. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Floodproofing Certificate shall be provided to the Floodplain Administrator.
   C. Critical Facilities
      1) New construction or substantial improvement of any critical facility is prohibited in all areas of the floodplain and the 0.2% annual chance floodplain, unless all of the

following provisions are met:

a. No feasible alternative site exists for the construction of an equivalent facility within the corporate or extraterritorial jurisdiction boundaries of Hickman;
b. The facility has the lowest floor, including basement, of all structures elevated to one (1) foot above the 0.2% annual chance flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the 0.2% annual chance flood elevation:
    i. The structure is watertight with walls substantially impermeable to the passage of water and
    ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    iii. A registered professional engineer or architect shall certify that the standards of the subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.
c. If the 0.2% annual chance floodplain is not identified, the facility shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or be floodproofed to three (3) feet above the base flood elevation.
d. The facility has at least one (1) access road connected to land outside the 0.2% annual chance floodplain that is capable of carrying emergency support vehicles and the top of the access road is no lower than the 0.2% annual chance flood elevation.

D. Space Below Lowest Floor
    1) Fully enclosed areas below the lowest floor and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
    2) Fully enclosed areas below the lowest floor and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
        a. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
        b. The bottom of all openings shall not be higher than one (1) foot above grade, and
        c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters. See Diagram 6-6.

Diagram 6-6 Elevation Diagram



E. Appurtenant Structures
    1) Structures accessory to a principal building may have the lowest floor below one (1) foot above base flood elevation provided that the structure complies with the following requirements:
        a. The structure shall not be used for human habitation.
        b. The use of the structure must be limited to parking of vehicles or storage of items

readily removable in the event of a flood warning.

c. The floor area shall not exceed 400 square feet.
d. The structure shall have a low damage potential.
e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    i. A minimum of two (2) openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
    ii. The bottom of all openings shall not be higher than one (1) foot above grade, and
    iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
g. No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
h. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
i. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

F. Manufactured (mobile) homes within any floodplain shall be prohibited.
G. Existing Structures
    1) The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions below shall apply:
    2) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this Ordinance.
    3) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 6.12.06.
    4) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an Elevation Certificate, Floodproofing Certificate, or No Rise Certification.

6.12.08 Design and Construction Standards:

1. Anchoring
    A. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Building Materials and Utilities
    A. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
    B. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Drainage
    A. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
4. Water Supply and Sanitary Sewer Systems
    A. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.

B. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
C. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
D. New septic systems in the floodplain are prohibited. Existing septic systems may be replaced.

5. Other Utilities
   A. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
6. Storage of Materials
   A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
   B. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
7. Recreational Vehicles and Recreational Vehicle Parks
   A. Recreational vehicles to be placed on sites within the FF shall meet the elevation and anchoring requirements for manufactured (mobile) homes of this Ordinance, unless it:
      1) is on site for fewer than one hundred and eighty (180) consecutive days; or
      2) fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions.
   B. Recreational vehicles to be placed on sites within the FW shall be prohibited.
   C. Recreational vehicle parks within any FW shall be prohibited.
8. Subdivisions
   A. Subdivision proposals and other proposed new development, including mobile home parks or subdivisions, shall require assurance that:
   B. All such proposals are consistent with the need to minimize flood damage;
   C. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
   D. Adequate drainage is provided so as to reduce exposure to flood hazards; and
   E. Proposals for development of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

6.12.09 Nonconforming Use

1. A structure or use of a structure or premises that was lawful before the passage or amendment of this Ordinance, but that is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:
   A. If such use is discontinued or abandoned for 12 (twelve) consecutive months, any future use of the building premises shall conform to this Ordinance. The Utility Department shall notify the Floodplain Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 (twelve) months.
   B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

6.12.10 Amendments

1. The regulations, restrictions, and boundaries set forth in this Ordinance may be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Hickman. At least 10 days shall elapse between the date of this publication and the public hearing.
2. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

6.12.11 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application:

0.1%- or one-hundred-year flood - The 100-year floodplain is the land that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year. You may also hear the 100-year floodplain called the 1% annual chance floodplain or base flood. Areas within the 100-year floodplain may flood in much smaller storms as well.

0.2%- or five-hundred-year flood - The 500-year floodplain is the land that is predicted to flood during a 500-year storm, which has a 0.2% chance of occurring in any given year. You may also hear the 500-year floodplain called the 2% annual chance floodplain or base flood. Areas within the 500-year floodplain may flood in much smaller storms as well.

Zone A - The Special Flood Hazard Area (except coastal V Zones) shown on a community's Flood Insurance Rate Map.

These are types of A Zones:

A: SFHA where no base flood elevation is provided.

A1-30 Numbered A Zones, SFHA where the FIRM shows a base flood elevation in relation to NGVD.

AE: SFHA where base flood elevations are provided. AE Zone delineations are now used on new FIRMs instead of A# Zones.

AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.

AH: Shallow flooding SFHA. Base flood elevations in relation to NGVD are provided.

AR: Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations.

A 99: Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.

Zone D - Area of undetermined but possible flood hazard.

Zone V - The Special Flood Hazard Area subject to coastal high hazard flooding. There are three types of V Zones: V, V1-30, and VE, and they correspond to the A Zone designations.

Zone X - Newer Flood Insurance Rate Maps show Zones B and C as Zone X. There are two types of X zones, shaded (formally Zone B) and unshaded (formally zone C).

Shaded X Zones are areas that have a 0.2% probability of flooding every year (also known as the "500-year floodplain"). Properties in Shaded Zone X are areas of moderate flood hazard, usually the area between the limits of the 100- year and 500-year floods. Also used to designate

base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.
Unshaded X Zones Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. May have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100- year flood.

Appurtenant 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. Also, shall be known as "accessory structure."

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.

Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "structure."

Critical Facility means any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospitals, convalescent services, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.]

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 (mobile) homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured (mobile) home Park or Subdivision means a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured (mobile) home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

Flood Fringe is that area of the floodplain, outside of the floodway, that has a one (1%) 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 SFHA (special flood hazard area) boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is 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.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. The SFHA (special flood hazard area) is the floodplain delineated into zones based of flood risk.

Floodplain Administrator means the person designated or appointed by City Council as the community's local Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of this Ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway (FW) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Habitation means area used for living, sleeping, cooking, or eating purposes, or any combination thereof.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured (mobile) home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured (mobile) home" does not include a "recreational vehicle".

Mobile Home Park or Subdivision (R-M District) means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured (mobile) home lots for rent or sale.

New Construction for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Mobile Home Park or Subdivision means a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainage way), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).

Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure means a building that was constructed or substantially improved after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map dated March 18, 1980, whichever is later.

Pre-FIRM Structure means a building that was constructed or substantially improved on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map dated March 18, 1980, whichever is later.

Principally Above Ground means that at least fifty-one (51%) percent of the actual cash value of the structure is above ground.

Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this Ordinance.

Special Flood Hazard Area (SFHA) The floodplain area on a flood insurance rate map delineated into zones based on the level of flood risk. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage

of excavation; or the placement of a manufactured (mobile) home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, as well as a manufactured (mobile) home and a gas or liquid storage tank that is principally above ground.

Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either. (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Chief Building Official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance is a grant of relief to an applicant from the requirements of this Ordinance that allows construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Walkout Basement or Daylight Basement means a basement that incorporates a wall with doors and windows on the ground level. Typically, a building site that has a slope to the rear of the property has a walkout basement that accesses the back yard.

Watercourse means any depression two (2) feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

Section 6.13 PUD: Planned Unit Development District

6.13.01 Purpose:

The purpose of the Planned Unit Development (PUD) District is to offer an alternative zone to permit multiple uses within a single use district, which are at variance with the area zoning requirements. This section is intended to permit flexibility of site design, architecture for the conservation of land and open space through clustering of buildings and activities and as an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by waiving provisions of this Ordinance including uses, setbacks, heights, and similar regulations. Planned Unit Developments (PUD) are characterized by central management, integrated planning, and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses.

6.13.02 Intent:

Planned Unit Developments shall include all development having two or more principal uses or structures on a single parcel of land; and may include town homes, apartments involving more than one building, residential subdivision submitted under cluster zoning provisions, multi-use structures such as an apartment building with retail at ground floor level, commercial development, industrial development, mixed residential and commercial development, and similar projects.

6.13.03 General Requirements:

1. The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
   A. Said PUD shall be in general conformity with the provisions of the City of Hickman Comprehensive Plan.
   B. Said PUD shall not have an adverse effect on the development of the neighboring area.
   C. The minimum overall area required for a PUD District by type of use shall be as follows: Residential (only), three acres; Residential - Commercial (combination), five acres.
   D. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.
2. Use Limitations: In a PUD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.
3. Standards and conditions for development: A development proposed for land classified as the PUD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.
   A. The applicant shall satisfy the Planning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 consecutive months following the approval of the final application by the City Council. A minimum of 50 percent of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the City Council to extend the plan approval.
   B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
   C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
   D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
   E. The entire tract or parcel of land to be occupied by the PUD shall be held in single

ownership or control, or if there are two or more owners, the application for such PUD shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.

F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PUD not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.

G. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Hickman.

H. When a commercial use within a PUD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district, except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.

I. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned PUD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission for protection of health, safety, and general welfare.

J. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:
   1) Residential: 60 percent maximum.
   2) Commercial: 50 percent maximum.

K. A minimum of 20 percent of the net area of a PUD reserved for residential use, shall be provided for Common Areas, of which a minimum net area of 10 percent shall be useable open space.

L. The PUD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to ensure its continuity, care, conservation, and maintenance, and to ensure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan.

M. No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.

N. Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.

O. Pedestrian Access. Sidewalks shall be built to City specifications along all public and private streets within the City Right-of-Way (ROW). An alternative surface may be used for pedestrian access within the PUD when it is not placed in the ROW and is not maintain by the City of Hickman. Connections to useable open space shall be provided by the developer and noted on the development plan.

6.13.04 Application for approval of Planned Unit Development:

1. An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes
2. The applicant shall prepare and submit three copies; plus, one electronic copy of the "Development Plan" of the proposed development in the PUD District for review and approval by the Planning Commission.
3. The Development Plan shall include:
   A. A drawing of the property legally surveyed and stamped by a Registered Land Surveyor in the State of Nebraska.
   B. A site plan showing:
      1) Contours at intervals of two feet or spot elevations on a 100 foot grid shall be required on flat land (where contours at the two foot interval will not be present on a drawing);
      2) Location, size, height, and use of all proposed structures and proposed yards on each lot;

3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
4) All streets adjoining subject property and the width of the existing right-of-way;
5) Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
6) Designation of individual parcels if the proposed development is to be set up in separate construction phases;
7) Designation of individual lots if such lots are proposed to be sold to individual owners;
8) Location of required screening;
9) Location of natural features such as ponds, tree clusters, and rock outcropping;
10) Existing development on adjacent properties within 300 feet.

C. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
1) Net area in square feet of the development.
2) Density of dwelling units per acre or the total dwelling units for the entire plan.
3) Building coverage of the net area or the development by individual parcel or total development.
4) The percentage of the Development Plan provided for common area as defined by this regulation.
5) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
6) Required number of parking spaces and location.
7) Gross floor area proposed for commercial buildings.
8) All proposed land uses shall be listed by parcel.

D. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.

E. The full legal description of the boundaries of the property or properties to be included in the PUD and shown on an official land survey as required.

F. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed PUD.

G. An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.

H. When a PUD includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility will be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Hickman with copies of the proposed articles of incorporation and bylaws of such entity.

3. The Planning Commission shall meet within 45 days of a complete application being filed. Plans shall be filed with the City at least 28 days prior to a scheduled Planning Commission meeting. After the application for a PUD is filed, the Planning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. After the conclusion of said public hearing, the planning commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and PUD requirements. The planning commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.
5. Substantial modifications in the preliminary plat and PUD design shall only be made after rehearing and re-approval unless the modifications were required by the Planning Commission and/or the City Council.

6.13.05 Application for approval of Planned Unit Development:

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the PUD Compliance Review Committee (CRC). The PUD CRC shall consist of two members each of the Hickman Planning Commission and Hickman City Council or their designated representative, the Zoning Administrator, the Hickman City Engineer or their designated representative; and/or any other

individual deemed necessary to the review process. This committee will be assembled only on an as needed basis. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include three copies; plus, one electronic copy of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this Ordinance for a PUD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:

A. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
C. All easements and appropriate building setback lines;
D. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
E. Lot and/or parcel numbers;
F. Location, size, height, and use of all proposed or present buildings;
G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.

2. A plan submitted for final approval shall be deemed to be in substantial performance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
   A. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the relocation of such area; nor
   B. Increase by more than 10 percent the floor area proposed for nonresidential use; nor
   C. Increase by more than five percent the total ground area covered by buildings or the height of buildings.
   D. Substantial performance of the design and plan shall be adhered to, so as not to alter:
      1) Pedestrian or vehicular traffic flow.
      2) The juxtaposition of different land uses.
      3) The relation of open space to residential development.
      4) The proposed phasing of construction.
      5) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.
3. A public hearing shall be held for the approval of a final plan. The Planning Commission shall review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

6.13.06 Enforcement and Modification of Plan:

To further the mutual interest of the residents and owners of the PUD and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The use of land and the use, bulk, and location of buildings and structures; and
2. The quality and location of common space; and
3. The intensity of use or the density of residential units shall run in favor of the City and
4. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 6.13 and the approved Development Plan.

6.13.07 Amendments:
The PUD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the PUD District.

6.13.08 Platting:
For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations.

6.13.09 Fees:
1. Development Plan, filing fee shall be set by the City Council by separate ordinance;
2. Final plan, filing fee shall be set by the City Council by separate ordinance.
   These fees are separate and do not include any Preliminary Plat, Final Plat, Future Land Use Map Amendment and/or Change of Zone Fees required by the City of Hickman.

6.13.09 PUD Definitions:
Building coverage area is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc.).

Net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

Common Area shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other.

Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.

Useable Open Space shall mean the net area used for open space calculation which has at least one means of ingress and egress to a public street. The net area contains no slope greater than 10 percent in any direction of the portion used for calculation. The area is to be dedicated to the public for use and enjoyment. Connecting existing pedestrian access to the area must be provided by the developer.

ARTICLE 7: CONDITIONAL USES

Section 7.01 General Provisions

1. The City Council may authorize and permit conditional uses as designated in the use regulations of each district (Article 5), after the following:
   A. A Planning Commission Public Hearing,
   B. Referral by the Planning Commission; and
   C. Conducting a City Council Public Hearing.
2. Approval, denial, or modified approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area and following all codes and zoning.
3. Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this Ordinance. The City Council may grant or deny a conditional use permit in accordance with the intent and purpose of this Ordinance.
4. In granting a conditional use permit, the City Council may:
   A. Authorize the use and
   B. May prescribe and impose appropriate conditions, safeguards, and a specified time limit for the implementation of the identified conditional use permit.

Section 7.02 Application and Fees for a Conditional Use Permit (CUP)

1. A request for a conditional use permit (CUP) or modification of a conditional use permit may be initiated by a property owner or their authorized agent by filing an application with the City upon forms prescribed for the purpose.
2. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions, data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.
3. The application shall be accompanied with a nonrefundable fee as established by the Master Fee Schedule as set and approved by City Council.

Section 7.03 Public Hearings

1. Before issuance of any conditional use permit, both the Planning Commission and City Council shall hold Public Hearings after proper and legal notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Hickman, one time at least 10 days prior to said hearings.
2. The City Council will consider the application for the Conditional Use Permit together with the recommendations of the Planning Commission.

Section 7.04 Decisions

1. A majority vote of the City Council members shall be necessary to approve or deny a Conditional Use Permit application.
2. The applicant shall have 12 months from the approval of the Conditional Use Permit to commence the use unless the City Council specifically grants a longer period of time upon the recommendation of the City Planning Commission. If the use stated within the Conditional Use Permit has not been commenced within 12 months, or approved time period, said Permit shall become invalid and any activity shall be required to re-apply and pay an application fee for a new Conditional Use Permit.
3. All decisions by the City Council and the recommendations of the Planning Commission shall be required to provide findings of fact for their decision for either approval or denial.

Section 7.05 Transferability

1. Any approved Conditional Use Permit is automatically transferable upon sale of the property from the original applicant to another party, unless otherwise noted on the original CUP. The new owner shall assume the responsibility for complying with:
   A. The standards for conditional use and any additional conditions listed on the granted permit,
   B. The use shall not change or be expanded unless a new Conditional Use Permit is approved,

C. Failure to comply with the standards and conditions of the permit shall subject the new owner to the revocation process of this Article.

2. However, any Home Occupation requiring a Conditional Use Permit shall not transfer said CUP to a new owner. The new owner must apply for, and be granted, their own CUP prior to use.

Section 7.06 Revocation

1. Any approved Conditional Use Permit may be revoked for failure to comply with the conditions approved by the City Council. Revocation shall require the City to notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).
2. Failure to comply with the notice shall cause a Public Hearing to be scheduled by the Planning Commission, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the Planning Commission shall make a recommendation on the subject permit to City Council, provided applicant will not or cannot come into compliance with the conditions of the permit. Upon a recommendation being forwarded to the City Council, the City Council shall hold a Public Hearing and shall act on the revocation including the revocation of the permit and order the use to cease and desist. Failure to follow a Cease-and-Desist order shall cause action to be filed by the City Attorney in District Court.
3. Revocation may also occur if the City documents the use has ceased operations for 12 consecutive months. The City shall notify the applicant of the revocation in writing. The permit shall become invalid in 30 days from date of notification.

Section 7.07 Permit Review

1. The Planning Commission and/or City Council reserve the right to review any Conditional Use Permit for compliance either on an annual basis or upon a written complaint from any individual.

Section 7.08 Standards

1. No Conditional Use Permit shall be granted unless the City Council has found:
   A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
   B. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
   C. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
   D. That adequate on site utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
   E. Adequate measures have been or will be taken to provide ingress and egress on the property, so designed as to minimize traffic congestion in the public streets.
   F. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
   G. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetative cover, or other property or which can cause soiling, discomfort, or irritation.
   H. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
   I. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any Public Street, road, or highway.
   J. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
   K. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
   L. Applicants shall also be required to follow the criteria of SITE PLAN REVIEW in Article 13 of this regulation.

ARTICLE 8: TEMPORARY USES

Section 8.01 Temporary Uses and Permits

See Section 5.07 for the Land use Matrix to determine temporary uses.

1. The Zoning Administrator shall issue temporary use permits (TUP) for buildings to be constructed and used for incidental storage for construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days in duration unless the following conditions apply:
   A. Development sales offices. Such offices may remain in place until 90 percent of the lots or units within the development are sold and may not be located within a manufactured (mobile) home/structure.
   B. Construction site offices, if located on the construction site itself.
   C. Construction Batch Plants, provided that:
      1) No plant may be located within 600 feet of a developed residential use, park, or school.
      2) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles if such extension avoids use of local streets by plant-related vehicles.
      3) Hours of operation do not exceed 12 hours per day.
      4) The duration of the plant's operation does not exceed 180 days but may be extended by the Planning Commission.

Section 8.02 Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

Section 8.03 Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
   A. The use will not impair the normal operation of a present or future permanent use on the site.
   B. The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
3. The duration of the permit shall be explicitly stated on the permit.

Section 8.04 Transferability

Any Approved Temporary Use Permit shall not be able to transfer to a new owner. The new owner must apply for, and be granted, their own TUP prior to use.

Section 8.05 Revocation

1. Any approved Temporary Use Permit may be revoked for failure to comply with the conditions approved by the Zoning Administrator or Chief Building Official. Revocation shall require the City to notify the applicant of any noncompliance, in writing, and provide the applicant five business days to correct the issue(s).
2. Failure to comply with the notice shall cause abatement of the temporary use and cost to abate such use assessed to the property owner.

Section 8.06 Prohibited Uses

All uses which are not specifically permitted or are not permissible as a Temporary Use throughout each district of this Ordinance, are prohibited until such time as this Ordinance is amended accordingly.

Section 8.07 Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees as established by Ordinance and approved by City Council.

ARTICLE 9: PARKING REQUIREMENTS

Section 9.01 Purpose

The Off-Street Parking Regulations require developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

Section 9.02 General Applications

1. Applicability.
   Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
2. Exemptions.
   Commercial use within the C-1 Downtown Commercial Limited District is exempt from the off-street parking requirements. Residential uses shall provide parking per this Section.

Section 9.03 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accordance with the minimum requirements set forth in Table 9-1.

1. Computation Guidelines
   A. When a computation of required parking results in a fraction, the requirement shall be rounded up to the next whole number.
   B. Unless indicated in Table 9-1, minimum parking requirements for all buildings constructed in Hickman shall be one space per 300 square feet of gross floor area.
   C. The Chief Building Official shall compute capacity and/or occupancy when needed to determine parking requirements.

Section 9.04 Parking Area Location

1. Residential Parking
   A. Off-street parking for residential uses shall be located on the same lot or on a site within 600 feet as the residential use. Long term site control of off-site parking shall be demonstrated by applicant.
   B. For multi-family residential uses, separately leased, detached garages may be used to satisfy parking requirements for such uses, parking incorporated into the design of multi-family buildings, or within parking structures, shall be counted toward fulfillment of parking requirements.
2. Nonresidential Parking.
   Off-street parking for nonresidential uses shall be located on the same lot or site as the use, or within 300 feet of that use if the parking site is within a zoning district that permits the Off-Street Parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.

Table 9.1 Schedule of Minimum Off-Street Parking and Loading Requirements :

Uses	Parking Requirements	Loading Requirements
Commercial and Office including but not limited to:		
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/arenas	1 space/4 seats in main assembly area	None required
Automotive Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Boarding Houses/Bed and Breakfasts	1 space/rental units	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	4 spaces/alley plus 1 space per 2 employees	1 space/establishment
Campground	1 space/camping unit	None required
Child Care Centers	1 space/employee + 1 space or loading stall/each 5 persons of licensed capacity	None required
Churches, Synagogues, and Temples	1 space/4 seats in main worship area	None required
Clubs, including fraternal organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Communication Services	1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary facilities	2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary facilities	8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 Space/establishment
Food sales (limited)	1 space/300 s.f. of gross floor area	1 space/establishment
Food sales (general)	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels	8 spaces/reposing room	2 spaces/establishment
General retail sales establishments	1 space/300 s.f. of gross floor area	1 space/establishment
Guidance Services	1 space/300 s.f. of gross floor area	None required
Hospitals	1 space/2 licensed beds	3 spaces/structure
Hotels and Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Laundry Services	1 space/200 s.f. of gross floor area	None required
Libraries	1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics	5 spaces/staff doctor, dentist, chiropractor	None required
Offices and Office Buildings	1 space/300 s.f. of gross floor area	None required
Restaurants w/ drive-thru	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	2 spaces/establishment
Roadside stands	4 spaces/establishment	None required
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Theaters, Auditoriums, & Places of Assembly	1 space/4 persons of licensed capacity	1 space/establishment
Veterinary Establishments	1 spaces/500 gross square feet	None required
Residential/Housing including but not limited to:		
Assisted-living facilities	.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments	1.5 space/dwelling unit – spaces to be sited in the general proximity of where the dwelling units are located	None required
Mobile Home Park	2/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
Industrial Uses including but not limited to:		
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
General Manufacturing	.75 times the maximum number of employees during the largest shift	2 spaces/establishment
Wholesaling / Distribution Operations	1 space/2 employees on the largest shift	2 spaces/establishment

Section 9.05 Off-Street Parking - Shared Parking Requirements

Notwithstanding the provisions of Section 9.03, in cases where parking and building patterns are overlapping uses, a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the City Engineer and/or City Council.

1. Landscaping of the Drive-Through Aisle. Landscaping, when possible, should be provided as described below:
   A. A five foot-wide planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking area
   B. A minimum three foot-tall, maximum four foot-tall planter with low shrubs that screens the drive-through aisles from the abutting public right-of-way shall be used to minimize the visual impact of reader board signs and directional signs. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings should also be designed to discourage potential safety issues (e.g., persons lying in wait).
2. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous five foot-wide sidewalk or delineated walkway. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.
3. Hours of Operation. When located on a site within 100 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 6:00 a.m. to 10:00 p.m. daily. If the use is located greater than 100 feet from a residential use, then there are no restrictions on the hours of operation.
4. Signs. Signs shall be permitted in accordance with the provisions of Article 10. Double drive-through aisles shall be restricted to two menu/order board signs.
5. Parking. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.
6. Noise. Any drive-up or drive-through speaker system shall emit no more than 50 decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

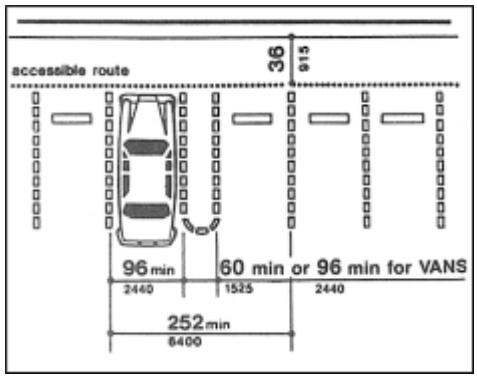
Section 9.06 Off-Street Parking - Parking for Individuals with Disabilities

1. In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Table 9.2: Minimum Accessible Spaces Required

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

Figure 9-1: Parking Layout - Accessible Spaces



Source: http://www.ada.gov/adastd94.pdf

2. The following shall be followed when designing accessible parking spaces within a off-street parking lot.
   A. Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
   B. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 9.06 (2)(D) of this Ordinance. The vertical clearance at such spaces shall comply with 9.06 (2)(E) of this Ordinance. All such spaces may be grouped on one level of a parking structure.
   C. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
   D. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
   E. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
   F. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 9.06 (2)(B) of this Ordinance.
   G. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 9.06 of this Ordinance shall be provided in accordance with 9.06 (2)(A) of this Ordinance; except as follows:
      1) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
      2) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
   H. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 9.06 (2)(F) of this Ordinance located on an accessible route to the entrance of the facility. Sections 9.06 (2)(A), 9.06 (2)(B), and 9.06 (2)(C) of this Ordinance do not apply to valet parking.
3. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
   A. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
   B. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
4. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 9.06 (2)(A) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
5. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 9.06 (2)(A), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
6. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 9.07 Drive-In and Drive-thru Facilities

1. Purpose and Applicability.
   The purpose of this article is to regulate drive-in/drive-through facilities with development standards to ensure that the design and operation of such uses effectively mitigate associated problems with traffic, congestion, excessive pavement, litter, and noise.
2. Permit Requirements.
   Drive-in/drive-through facilities are permitted or conditionally permitted in designated zoning districts as described in Article 5.
3. Development Standards.

The development standards in this section are intended to supplement the standards in the underlying zoning district for drive-in and drive-through uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

4. Drive-Through Aisles.
   A. The minimum standards for drive-through aisles are as follows:
   B. Drive-through aisles shall have a minimum 10'-0" foot interior radius at curves and a minimum 12'-0" foot width.
   C. Drive-up windows and remote tellers shall provide stacking distances pursuant to Table 9.3. As measured from the service window or unit to the entry point into the drive-up lane.
   D. Each drive-through entrance/exit shall be at least 50'-0" feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25'-0" feet from the curb-cut on an adjacent property. Exceptions may be granted by the designated approving authority when drive-through pull-out spaces are provided.
   E. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
   F. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.

Section 9.08 Stacking Requirements for Drive-thru Services

1. Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided by Table 9.3.
2. The Zoning Administrator may adjust these requirements for specific projects, provided that the applicant can present a traffic study prepared by a professional traffic engineer demonstrating that such reduction is appropriate to the function of the project. A reduction must also be recommended by the City Engineer.
3. Drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue.

Figure 9.2 Drive-Through Site Design

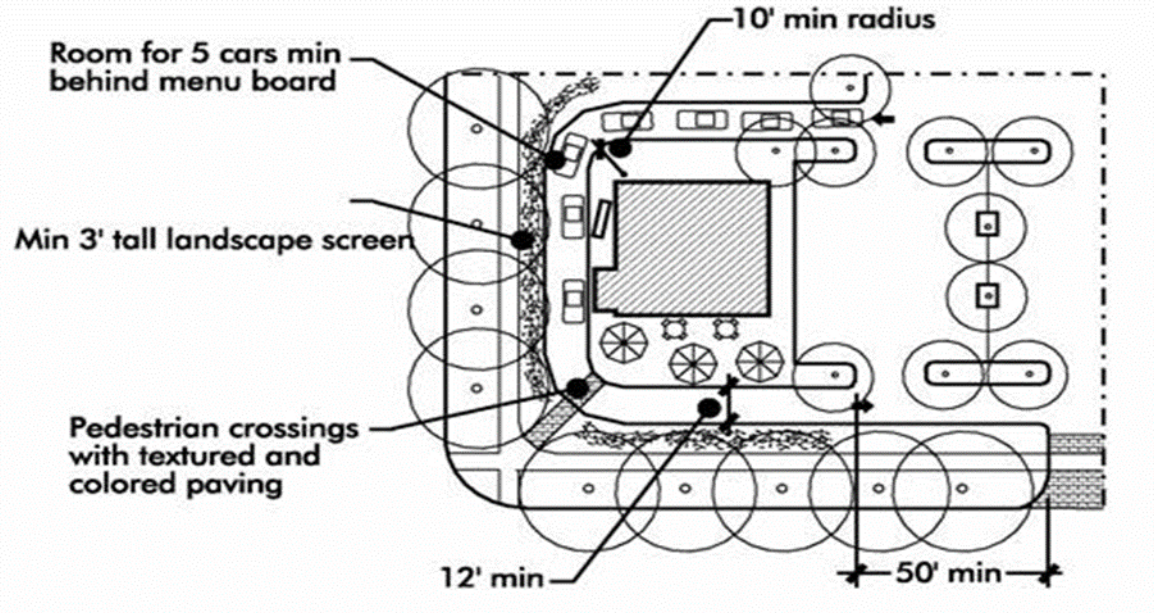


Table 9.3 Off-Street Stacking Requirements for Drive Through Services:

Types of Operation	Minimum Stacking Space
Financial services with drive-up tellers	4 vehicles per window or kiosk
Financial services with drive-up ATM	4 vehicles per ATM station
Self-service or automatic car wash	Entrance: 4 vehicles per bay Exit: 1 vehicle per bay
Fast-food restaurant and coffee shop*	• Without menu boards: 4 vehicles in front of service windows • With separate menu boards and service windows: a sum of 6 vehicles behind the menu board plus 2 behind the first service windows
Drive-up pharmacies, dry-cleaning, or other drive-up personal services	2 vehicles per service window
Gas stations	2 vehicles per pump
Gated parking lot, community entrance, or overhead door	1 vehicle per gate or door on local streets 2 vehicles per gate or door on collector streets

* Note: Required vehicle stacking shall not block driveways or required parking. Each vehicle stacking unit shall be 22 feet long with a minimum vehicle lane width of 12 feet.

Section 9.09 Off-Street Parking Design Criteria

Standard Parking Space Dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an

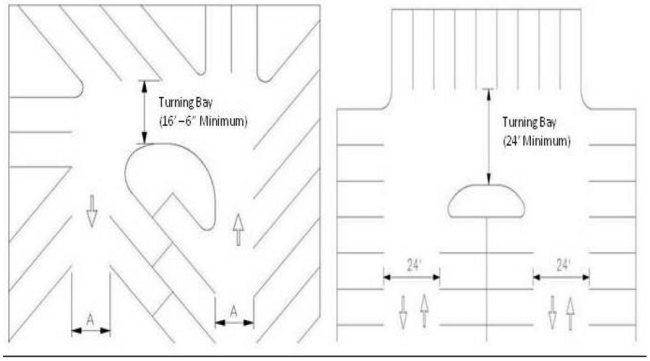
1. Overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:
2. Parallel Parking Space Dimensions. Minimum dimensions for a parallel parking space shall be eight feet by 22 feet.
3. Other Dimensions. Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined upon recommendation of the City Engineer.
4. Visibility. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
5. Accessibility. Spaces designated for the disabled shall meet 9.06 and be designed in compliance with the standards of the Americans with Disabilities Act.
6. Circulation Patterns. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety upon recommendation of the City Engineer.
7. Maintenance. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas, adjacent sidewalks, and drainage areas.
8. Lighting:
   A. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.
   B. Lighting standards shall not exceed 15 feet in height and shall be equipped with top and side shields when necessary to prevent glare onto adjacent properties.
   C. The average maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.
9. Turning Bays. In all parking facilities, turning bays shall comply with the minimum dimension of 16 feet 6 inches, as shown in Figure 9.3. For two-way traffic flow, the minimum turning bay width shall be 24 feet.
10. Maximum lot coverage. Paved parking areas and drives shall not exceed the maximum impervious coverage limit for the lot.
11. Pavement and Drainage.
    A. Required off-street parking facilities shall be surfaced with concrete, asphalt, asphaltic

concrete, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material except as provided below:

1) Sites within the TA, and RE and Districts are exempt from this requirement.
2) In existing residential areas, all parking spaces and driveways used for parking shall be concrete or asphalt.
3) In Industrial Districts, the paving requirement for certain parking and loading areas more than 100 feet back from any public right-of-way may be waived, following review and approval of a specific site plan by the Zoning Administrator.

B. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.
C. Drainage shall be sloped to storm drain and piped offsite.

Figure 9.3 Minimum Turning Bay Dimensions for One-Way and Two-Way Traffic Flow



Section 9.10 Bicycle Parking

1. Parking Requirements
   A. Each parking area providing 50 spaces or more shall provide parking accommodations for bicycles as provided by the Table 9.4.
   B. Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
   C. The location of bicycle parking facilities should be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
   D. Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.

Table 9.4 Bicycle Parking

Number of Parking Stalls	Required Bicycle Spaces
50-100	5
100-150	8
150-200	10
Over 200	2 additional spaces for each 50-parking space

ARTICLE 10: SIGN REGULATIONS

Section 10.01 Compliance with Sign Regulations

All signs constructed, erected, modified or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 10.02 Sign Definitions

The following are the definitions relating to signs within the Hickman zoning jurisdiction.

ABANDONED SIGN shall mean a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.



Example of Advertising Sign

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.


Example of Advertising Sign

AESTHETICS shall mean elements of signage that project a particular level of beauty and value, including aspects of design, color, form, and quality of craftsmanship that appeal to a viewer's artistic sensibilities.

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

ANNOUNCEMENT SIGN shall mean a small sign, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.


Example of Architectural Canopy Sign

ATHLETIC FIELD SIGNS shall mean banners for team and league sponsors may be placed on perimeter fences facing toward the field of play.

ATTACHED SIGN shall mean a sign, which is structurally connected to a building or depends upon that building for support.



Example of Attached Sign

AUXILIARY DESIGN ELEMENTS shall mean terms, which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.


Example of Awning or Canopy Sign



Example of Bench Sign



Example of Building Sign


Example of Building Sign


Example of Bulletin Board

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BACKLIGHTED LETTERS shall mean channel lettering, open-backed or translucent and lit from within or behind, that throws light back onto the support surface to create a halo effect around the letters. (Sometimes called silhouette or halo lettering.)

BALLAST shall mean the electrified structure that secures and powers fluorescent lamps.

BANNERS shall mean portable signage made of a light, flexible material like cloth, vinyl, plastic, etc., that is hung or strung from hooks or cord. Often used to announce events and openings, banners function well for short-term signage and in-home use, or can be fabricated out of durable materials for long-term reuse indoors and out. See also Street Pole Banner.

BENCH SIGNS shall mean lettering and imagery applied to the back section or other surfaces of public seating, for instance on park benches and bus-stop seating.

BILLBOARD SIGN shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BUILDING FASCIA shall mean the exterior wall of a building, rising from ground level to the roofline eaves and extending across the full width of the structure.

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUILDING MARKER SIGN shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING MOUNTED SIGNS shall mean signage hung from or affixed to the wall or roof of a building, see also wall sign.

BULLETIN BOARDS shall mean a Sign Box used as housing from the external elements so as to preserve written or printed shared information of a timely matter for religious assembly, civic or school use.

CABINET SIGNS shall mean the frame or external structure of a box-like sign that encloses the various functional elements of the design, whether electrical or dimensional components.

CAMPAIGN, See Political Campaign Sign.

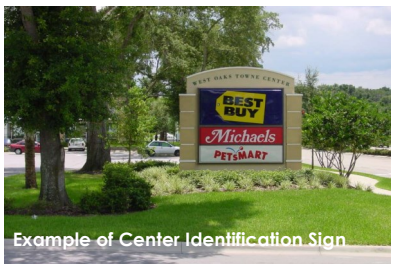
CANOPY SIGNS shall mean sign, like a marquee, constructed or affixed to a building in such a way that it serves as a canopy over the space below; or a sign affixed to a canopy.

CARVED SIGNS shall mean signs made of wood or synthetic materials with lettering and graphics deeply gouged into the surface of the substrate.



Example of Carved Sign

CENTER IDENTIFICATION SIGN shall mean a sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.



Example of Center Identification Sign

CHANGEABLE COPY PANELS shall mean a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using track lettering or dry erase, etc. Popular uses include A-frames and menu boards.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.



Example of Changeable Copy Sign

CHANNEL LETTERS shall mean three-dimensional letters, often hollow, and may or may not incorporate a light source within.



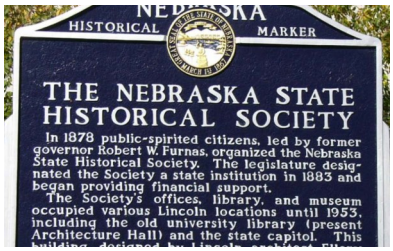
Example of Channel Letters

CITY ENTRANCE SIGNS shall mean signs owned by the City and placed on city property or within the public right-of-way for the announcement of entrance within the City limits. Such signs may be relocated as extension of city boundaries occurs. Including ground or pole mounted signage such as city entrance announcement and date established, city limits designation, population, and ordinances enforced.



Example of City Entrance Sign

CIVIC OR COMMUNITY SIGN shall mean a sign containing information, name, or logo of a business or civic organization. Temporary signs are intended to communicate information to the public as to upcoming activities in the community. Community or civic signs are owned and operated by the City, Chamber of Commerce, local Civic Organization or Nonprofit Entity.



Example of Commemorative Sign











CLEARANCE shall mean the distance from the bottom of a sign face elevated above grade and the grade below.

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

COMMERCIAL MESSAGE SIGN shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMEMORATIVE SIGN shall mean any sign erected to identify and/or discuss a local, state, or national historic event.

CONFORMING SIGN shall mean a sign constructed and installed in compliance with design, material, and construction regulations issued by the City in which it appears.

CONSTRUCTION SIGN shall mean any sign identifying construction activity on a site including the contractors, funding sources, and/or architects and engineers.

CONTRAST shall mean the relative difference or variance in tone and color between elements in a sign allowing each element to stand out; for instance, light colors on a dark background, dark type on light background, or overlays of similar colors from pale to deep tones.

COPY shall mean the text message words contained in a sign.

COPY AREA shall mean the sections of a sign containing a text message as opposed to imagery or pictorial elements.

DECALS shall mean a printed film, usually made of vinyl, with a pressure sensitive adhesive.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

DETACHED SIGN shall mean a sign, which is self-supporting and independent from any building/structure.

DIGITAL BILLBOARDS shall mean a billboard sign or menu board that offers static messages that rotate every few seconds with typically six to eight advertisers or screens sharing the same location.

DIGITAL SIGNAGE shall mean a remotely managed digital display typically tied in with sales, advertising and marketing that are centrally managed and individually addressable for the display of text, animated or video messages for advertising, information, entertainment and merchandising to targeted audiences. Popular applications range from monument signs to gas station TVs. See also Screen-Smart Device Interaction (SSI).

DIMENSIONAL LETTERS shall mean cast, molded, fabricated, or cut-out lettering or design (logo) applied to create a raised image on signage.

DIRECTIONAL SIGNS shall mean signage that help drivers and pedestrians to navigate a given location or event, whether interior or exterior. For example, parking signs, signs featuring destinations with arrows, etc.

DIRECTORY SIGNS shall mean signage listing names and locations for multiple business tenants in a building, or the companies in an industrial or office park.

DOUBLE FACED SIGN shall mean any sign setup to advertise the same or different messages on two distinct sides.

ELECTRIC SIGNS shall mean signage that contains moving or lighted elements wired for electricity.

ELECTRONIC MESSAGE BOARD SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

EXTERIOR ILLUMINATED SIGNS shall mean signs lit by a light source apart from and aimed at the face of the sign (not lit from within).

FACE shall mean the "front" of a sign, where the message is carried.

FASCIA SIGNS shall mean a sign mounted on a building face (wall).

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

FLAT CUTOUT LETTERS shall mean dimensional letters cut from a broad sheet of metal or composite.

FLEET GRAPHICS shall mean a vehicle graphic or wrap template applied to multiple vehicles operated by one company.

FLUORESCENT LAMP OR TUBE shall mean the glass tube in fluorescent lighting that contains luminescent vapor that lights up when electrified. Fluorescent lamps are manufactured to fit into standard ballast sizes or electrical receptacles.

FONT shall mean a unified design for a set of letters, numbers, and punctuation marks, incorporating specifications for standard roman typeface, boldface, italic, and all combinations of these (e.g., bold italic).



Example of Directional Sig

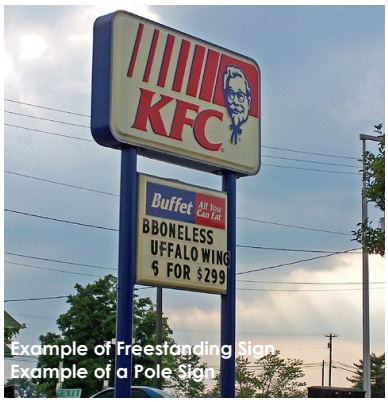


Example of Directory Sign


Example of Exterior Illuminated Sign



Example of Flashing Sign



Example of Freestanding Sign
Example of a Pole Sign



Example of Graphic Window Sign



Example of Ground Monument Sign



Example of Incidental Sign



Example of Logo Sign

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

FRONTAGE shall mean the length of a property line of any one premise abutting and parallel to a public street, entrances or exits from private property, or court.

FRONT-LIGHTED LETTERS shall mean channel letter illuminated from behind or containing a light source, with translucent face that conveys light forward.

GRAPHIC WINDOW SIGN shall mean graphics applied directly to the window; often adhesive backed vinyl permanently affixed to the interior of the glass.

GROUND MONUMENT SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

ILLUMINATION shall mean lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

INCANDESCENT BULBS shall mean a vacuum sealed lamp (bulb) that directs an electrical charge through a filament, which glows hot and gives off light.

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INTEGRAL SIGNS Shall mean signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets, and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

LEGIBILITY shall mean ability to decipher lettering and message elements based on design and fabrication quality of signage. How well a sign can be seen and read.

LOGO shall mean a unique design composed of text, letters, and/or images that represent a company's brand or identity.

MARQUEE shall mean a permanent canopy attached to and supported by a building, often of wood, metal, and/or glass components constructed to overhang an entrance to define the space and provide shelter to those entering and leaving.

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MAXIMUM PERMITTED SIGN AREA shall mean the maximum permitted combined area of all signs allowed on a specific property.

MENU BOARDS shall mean changeable copy signs, typically used by retailers to list items and prices of good currently offered, or by food service and restaurateurs to describe daily meals offered. Menu boards can be installed as wall signs outside a walk-up window, on a pole alongside a drive thru vehicle lane, or mounted on the interior of a building.

MOBILE SIGNS shall mean sign mounted on a flatbed or other vehicle for transportation to various locations where it is temporarily being used.

MONUMENT SIGNS shall mean a freestanding, low-profile ground sign.

MULTI-PRISM INDEXING SIGN shall mean a sign made with a series of triangular vertical or horizontal sections that turn and stop, or index, to show one of three pictures or messages at a time within a defined sign face area. Such signs shall change their picture and/or message no more frequently than once every 20 seconds and includes no more than one double-faced sign in any single location, excluding back-to-back installations. In no case shall more than one multi-prism indexing sign be visible to the approaching vehicular and/or pedestrian traffic or to the public in general per frontage.

MURAL shall mean works of graphic art painted or applied to building walls, which contain no advertising or business identification messages.

NAMEPLATE SIGN shall mean a sign not exceeding 2 square feet for each dwelling.

NEON SIGNS shall mean a sign fashioned from continuous hollow tubing bent in the shape of letters or images, filled with gases that glow when an electrical current is passed through the tubing.

NEON TUBING shall mean hollow tubing that is bent into shape and filled with various inert gases that glow different colors when electrical current is passed through them.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance.



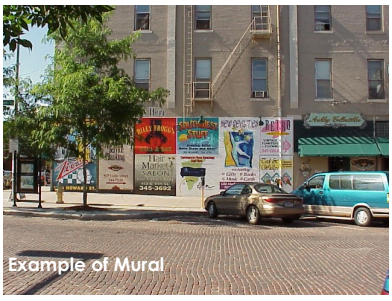
Example of Marquee Sign



Example of Menu Boards



Example of Monument Sign


Example of Mural



Example of Neon Sign



Example of Obsolete Sign



Example of Off-Premises Sign



Example of Open Channel Letters


Example of Pennant Sign

OBSCENE TEXT OR IMAGERY shall mean a sign, display or graphic contained or considered to be one of the following: disgusting to the senses, repulsive; abhorrent to morality or virtue; specifically designed to incite; containing language regarded as taboo in polite usage; repulsive by reason of crass disregard of moral or ethical principles; or so excessive as to be offensive.

OBSOLETE SIGN shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

OFF-PREMISES SIGN shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

ON-PREMISE SIGN shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

OPEN CHANNEL LETTERS shall mean dimensional letters with open fronts that, when illuminated, reveal the light source. At times, open channel letters use a sheet of transparent material to protect any interior elements.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

Painted wall signs shall mean a wall-mounted building sign with lettering and imagery on face surface.

PAN CHANNEL LETTERS shall mean three-dimensional letter with sides and back constructed to hold embossed or debossed panel for front of letter.

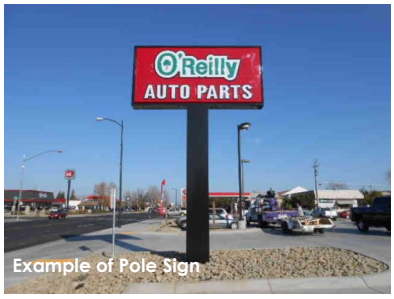
PAN FACES shall mean a three-dimensional sign face (front) that includes molded raised or inset design elements; sometimes called embossed or debossed face.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGNS shall mean a durable signage mounted or affixed for long-term use, not easily removed, and resistant to weather and other wear and tear.

POINT OF PURCHASE SIGNS (POP; ALSO POINT OF SALE, POS) shall mean signage posted at the location of goods and services offered for sale, advertising items or special sales.

POLE SIGN shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.



Example of Pole Sign

POLITICAL CAMPAIGN SIGNS shall mean a temporary Signs announcing candidates seeking public political office or pertinent political issues.

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Example of Portable Sign

POST AND PANEL SIGNS shall mean a sign installed by mounting on a single or multiple support posts.

PREMISES shall mean a tract of one or more lots or sites, which are contiguous, and under common ownership or control.

PROJECTING SIGN shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.



Example of Projecting Sign

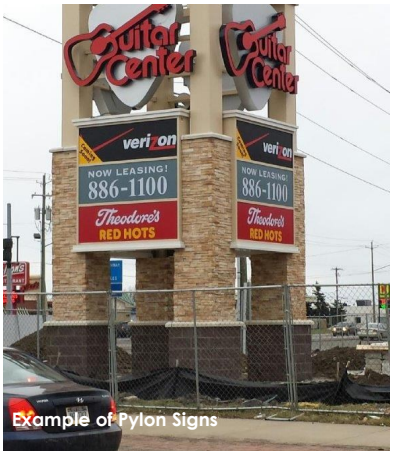
PUBLIC SIGNS shall mean a signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of their public duty. Such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest.



Example of Public Sign

PUSH-THROUGH shall mean lettering or logo image cut through the sign face and backing material and mounted or inlaid so the sign looks as if the lettering or image had been "pushed through, up, and out" of the sign. Sometimes push-through lettering is backlit through the sign, or the fascia of the lettering is translucent to allow lighting the imagery from behind.

PYLON SIGNS shall mean a freestanding sign with visible supporting posts or other foundational structure.



Example of Pylon Signs

RACEWAYS shall mean electrical signs, the enclosure that holds sign elements, which may also be the structural element that is mounted on a wall or other support element.

READABILITY (ALSO CALLED "CONSPICUITY") shall mean how well the sign can be perceived and understood by viewers; the level of clarity that allows the message to come through.



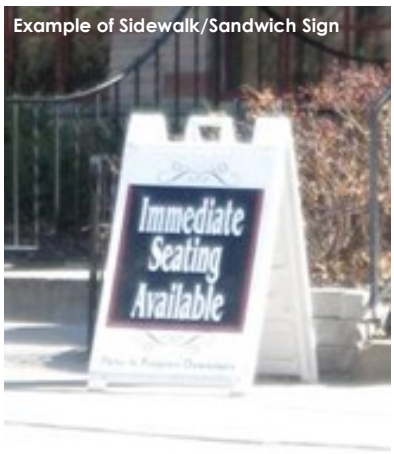
Example of Roof Sign

Example of Roof (Integral) Sign




Example of Seasonal Decorations

Example of Sidewalk/Sandwich Sign



RESIDENTIAL SIGN shall mean a small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.

RETURNS shall mean the sides of channel letters.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

ROOF (Integral) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SEASONAL DECORATIONS shall mean signs pertaining to recognized national holidays and national observances.

SIDEWALK/SANDWICH SIGNS shall mean a portable and relatively lightweight signage constructed to stand independently, not mounted or affixed to its location, often fabricated as A-frame.

SIGN shall mean graphic, symbolic, or visual display fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

SIGN AREA shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN BAND shall mean the area above the entrances to a tenant space in a multi-tenant complex where the tenants can post signage specific to their occupancy.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGNAGE shall mean the aggregate of signs for a particular use or location.

SINGLE-FACE SIGNS shall mean a sign with only one side carrying the message.

SCREEN-SMART DEVICE INTERACTION (SSI) shall mean new technology developed as a sub-branch of Digital Signage, used for drive thru menu boards, way finding signage, in

store displays, and self-service kiosks. It allows end users to interact the displayed digital content via Touch Screens, Body Sensor or QR code via smartphones. Digital signs can interact with mobile phones using SMS messaging and Bluetooth. SMS can be used to post messages on the displays, while Bluetooth allows users to interact directly with what they see on screen.

STATIONARY SIGNS shall mean a sign that is mounted in a permanent manner, usually including electrical power service that makes it difficult to move the sign without specific tools or equipment.

STICKERS shall mean a printed film, usually made of vinyl, with a pressure sensitive adhesive.

STREET POLE BANNER shall mean street pole banners mounted on city-owned streetlight poles which do not accommodate a traffic signal or electrical distribution.

STREET FACADE shall mean any separate external face of a building, including parapet walls and omitted wall lines, oriented to, and facing a public street, entrances or exits from private property, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.

SUBDIVISION SIGN identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

SIGN SURFACE shall mean the entire area of a sign.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

TIME AND TEMPERATURE DISPLAY shall mean an electrified sign with a variable lighted message showing the current time interchanged with the current temperature, often displayed as elements in larger signs created for banks, corporations, institutions, or organizations.

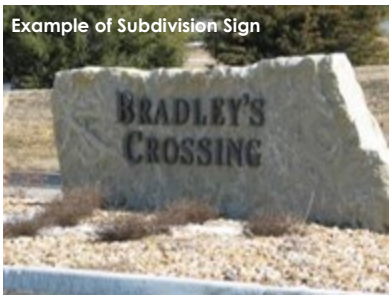
TRANSFORMERS shall mean electrical equipment that takes available voltage and current at a site and converts it to the levels required by elements in the signage.

UNDER-CANOPY SIGNS shall mean a sign designed to be mounted under a canopy.

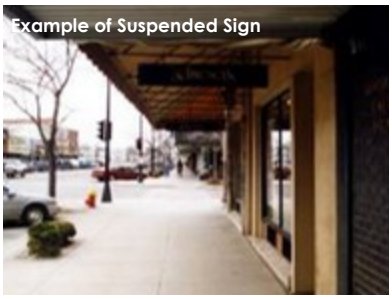
VARIABLE MESSAGE SIGNS shall mean a sign similar to a changeable message sign, one that is designed to convey differing messages at different times. Also includes changeable message, changeable copy, time and



Example of Street Pole Banner



Example of Subdivision Sign

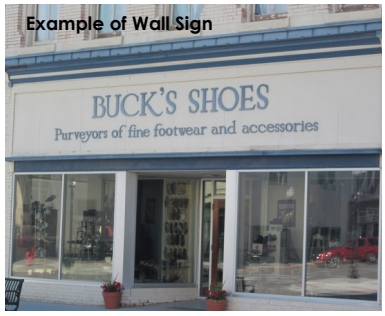

Example of Suspended Sign



Example of Temporary Sign



Example of Temporary Sign



Example of Wall Sign



Example of Wall Sign



Example of Window Sign

temperature sign, electronic message center, and menu board.

VARIANCE shall mean permission from the city for signage or installation to vary from regulated sign specifications. Variances are awarded or denied following a hearing before appropriate boards and commissions with authority to review sign design and usage requests.

VEHICLE LETTERING shall mean text, graphics or logos applied to the doors, sides, hood, roof, windows or tailgates of cars, vans, or trucks.

VEHICLE WRAPS shall mean graphically designed vinyl configured and cut to fit a specific vehicle that, when installed, encases the vehicle in the graphic design to create a dynamic, eye-catching, mobile advertisement.

VISIBILITY shall mean as in readability, how well the sign can be perceived and understood by viewers; how well the sign can be seen against its surroundings.

WALL SIGN shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WAYFINDING shall mean as with directional signage, that which assists viewers or travelers in finding their way to a destination.

WINDOW SIGN shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Section 10.03 Method of Measurement

1. Maximum Permitted Sign Area
   Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street or entrances or exits from private property. For properties with frontage on more than one street or entrances/exits from private property, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

2. Sign Area
   A. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
   B. The area of double-faced signs is calculated on the largest face only.
   C. The sign area for ground signs, monument signs, and architectural sign bands are calculated as the area enclosing the extreme limits of the copy only.
   D. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
   E. In the case of a multi-prism indexing sign, sign area is calculated as the area within the perimeter enclosing the extreme limits of the sign face, regardless of the number of individual messages displayed on the sign.

3. Height
   The height of a sign is measured from the average finished grade below the sign to the topmost point of the sign or sign structure.

4. Setback
   The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

Section 10.04 Sign and Street Graphics Regulations

1. Compliance.
   Each sign or part of a sign erected within the zoning jurisdiction of the City of Hickman must comply with the provisions of this Ordinance, other relevant provisions of the City of Hickman's Municipal Code, and applicable building codes.

2. Resolution of Conflicting Regulations.
   This Ordinance is not meant to repeal or interfere with enforcement of other sections of the City of Hickman's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

3. Prohibited Signs.
   The following signs are prohibited in all zoning districts:
   A. Obsolete Signs. Signs that advertise an activity, business, product, or service no longer conducted on the premises on which the sign is located or in the jurisdiction for the City of Hickman, in such cases as off-premises signs.
   B. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
   C. Signs that create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
   D. Portable Signs. Signs that are not permanently anchored or secured to either a building or the ground except as provided by Section 10.04 (5) Temporary civic or commercial signs.
   E. Signs shall be perceived and understood by viewers. The sign shall be clearly readable and legible and not be viewed as obscene.
   F. Off-premises Signs on Public Property. Off-premises signs located in the public right-of-way.
   G. Flashing Signs. No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs.
   H. Moving Signs. No sign shall be permitted any part of which moves by any mechanical or electronic means. The prohibition of moving signs does not include multi-prism indexing or

digital signs as defined by Section 10.02.

I. Painted Wall Signs. Off-premises painted wall signs mounted on building walls.

J. Signs painted or applied to building walls, which contain advertising or business identification.

4. Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of this Ordinance provided they so not create a hazard as described in Section 10.04 (3):

A. Residential Real Estate or Residential Construction Signs. One non-illuminated sign, not to exceed six square feet, shall be permitted on each premise. Such signs shall not extend higher than four feet above average finished grade and shall be located within the property lines. Such signs shall be removed within seven days after the disposition of the premises.

B. Commercial Real Estate Signs. One non-illuminated sign, not to exceed 32 square feet, shall be permitted on each premise. Such signs shall not extend higher than eight feet above average finished grade or be closer than two feet from any property line unless located on the wall of a building. Such signs shall be removed within seven days after the disposition of the premises.

C. Construction Signs. One non-illuminated sign not to exceed 50 square feet shall be permitted per street frontage. Such sign shall not extend higher than 10 feet above average finished grade and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within seven days following completion of construction.

D. Political Campaign Signs. Such signs shall be placed on private property and not within any right-of-way, and are subject to the following regulations:

1. Residential Districts. Temporary signs six square feet in area or less, located within the property line and do not obstruct traffic.
2. Corridor Overlay, Commercial and Industrial Districts. Temporary signs, located in the City limits, must be less than nine square feet in area. Temporary signs, located in the extraterritorial jurisdiction may be over nine square feet but under 32 square feet in area and do not obstruct traffic.
3. All Political Campaign Signs shall be removed within seven days from the completion of any election date.

E. Street Pole Banners. Banners shall be made of durable material. If fabric is used, it be made of marine grade fabrics, resistant to ultraviolet rays, mold, and mildew. Each banner shall have reinforced hems and grommets. Banner fabricator shall determine if wind scallops are necessary. All banners shall be printed on both sides of the banner fabric. Mounting height: When projecting over the street the banner height above the street shall be 20 feet minimum; when projecting over the sidewalk, turf, or landscape beds, banner height above the ground shall be 10 feet minimum. Banners shall not be located within 50 feet of a stop sign or traffic signal device.

F. Seasonal Decorations.

G. Public Informational Signs.

H. Integral Signs. Permanent type of construction and made an integral part of the structure to which they are attached.

I. Window Signs. Neon window signs shall be permitted only in those districts where neon signs are permitted.

J. Works of graphic art when painted or applied to building walls, which contain no advertising or business identification messages. Art must be approved by City Council and/ or Arts Council.

K. Residential signs under two square feet in area.

L. Neighborhood or subdivision identification signs under 50 square feet in area.

M. Signs which are not visible from a public right-of-way, entrances or exits from private property, or court or from a property other than that on which the sign is installed.

N. Bulletin boards for religious assembly and school use, provided that they have a maximum area of 32 square feet.

O. Athletic Field Signs. Banners for team and league sponsors may be placed on perimeter

fences facing toward the field of play. Such banners shall only be placed one hour prior to through one hour following the athletic event and shall be immediately removed in the event of a windstorm. Such banners shall not promote alcohol, drugs, or tobacco products in any way.

P. Semi-permanent sponsor recognition board. Boards may be used in place of banners with the approval of the City Council. Recognition boards may be attached to existing structures or mounted on semi-permanent supports. Such recognition boards shall be limited to 32 square feet in aggregate size and shall not exceed eight foot in total height. Such recognition boards shall be maintained in an attractive condition and all lettering shall be of professional quality. The league using the board/boards may be identified with removable lettering not to exceed four inches in height. Sponsor lettering shall contain only the sponsor's name, not exceed two and one-half inches in height and be removable. Logos or other forms of advertising shall not be permitted. The promotion of alcohol, drugs or tobacco products on this board is prohibited. Semi-permanent recognition boards and supports may be erected no sooner than one week prior to the league season and must be removed no later than one week following the league season.

Q. Seasonal banners for team and league sponsors. Banners may be placed on perimeter fences of athletic fields facing toward the field of play when approved by the City Council. Such banners shall not promote alcohol, drugs, or tobacco products in any manner.

R. Scoreboard. Permanent off-premises signs may be included as part of a scoreboard or other similar permanent fixtures for any athletic field when approved by the City Council.

5. Temporary Civic or Commercial Signs

A. Permit Required. All temporary civic or commercial signs not listed in Section 10.04 (4) but falling within the definition of temporary signs shall be classified as Temporary civic or commercial signs.

B. A temporary civic or commercial sign may remain in place for a period of six months from the date of erection unless otherwise specified below, with the option of one renewal by Zoning Administration per sign.

C. Size Limitations of Temporary Signs. The location of temporary civic, or commercial signs shall comply with the following regulations:

1) The total amount of temporary signage permitted on any premise shall be the lesser of five percent of the area of all street facades or 100 square feet. Street facades include any building facades visible from and oriented to public streets.
2) The maximum size of a temporary sign shall be 50 square feet in area. Temporary civic or commercial signs shall be no smaller than eight square feet.
3) The size of a temporary portable sign mounted on wheels or a trailer without wheels shall not exceed 32 square feet of sign area. Such signs may be located on a parcel or lot, for a maximum of 30 consecutive days and shall be located on any single parcel or lot, no more than two times per year.

D. Location Requirements for Temporary civic or commercial signs.

1) Temporary signs shall not be attached to any public utility pole or trees on either public or private property.
2) Temporary civic or commercial signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities.
3) Temporary signs shall not be located within the Vision Clearance Triangle.
4) Temporary signs shall not interfere with any public right-of-way, driveway or access way, or any means of access or egress to any building.
5) Any temporary sign attached to a building shall be affixed only to vertical facades and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.

E. Condition of Temporary Civic or Commercial Signs.

1) All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.
2) The City Administrator and their authorized officers shall order the removal of any sign not in compliance with any provisions of this section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public

property, fails to remove such sign, the City Administrator and their officers shall be authorized to remove the sign. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary civic or commercial sign permit.

F. Application for a Temporary Civic or Commercial Sign Permit.
   1) An applicant shall complete a form developed by the City and shall pay a fee for such permit as established by Ordinance on the City's Master Fee Schedule.
   2) The application shall include a photograph of all street facades along with the dimensions of all such facades.
   3) The Zoning Administrator shall verify this information as required and establish on the permit the maximum area of temporary signage that may be installed on the premises.

G. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
   1) Such signs are subject to the permit procedures set forth in this section.
   2) The size of such signs does not exceed the limitations set forth in Table 10.3.
   3) No more than one such sign is permitted at any single premises.
   4) Temporary or portable signs may be present at any single premises for a maximum of 60 days per year.

6. Maintenance
   A. All signs shall be maintained in sound condition, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
   B. All signs and billboards shall be maintained in a neat and presentable condition. In the event their use shall cease, the sign or billboard shall be removed promptly and the area restored to a condition free from refuse and rubbish. After 30 days' notice and failure to do so, the City shall remove the sign and assess the charges to the owner.
   C. The City Administrator and their authorized officers shall order the removal of any sign not in compliance with any provisions of this section. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding sign permits.

7. Nonconformance and Amortization
   Where a sign exists at the effective date of this Ordinance, or later codified with this Ordinance, and could not be built under the terms of this Ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
   A. No such sign may be enlarged or altered which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
   B. Should such a sign be destroyed by any means to an extent 50 percent or greater of either sign area or replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
   C. Within any zoning district, all premise identification signs or other signage that pertains to the premises on which such sign is located shall comply fully with the provisions of this Ordinance, unless otherwise provided, within 15 years after the effective date of this Ordinance. This amortization provision does not apply to outdoor advertising signs, provided that such signs remain in continuous use.
   D. Any nonconforming outdoor advertising sign that remains unused for a continuous period of 180 days shall forfeit its right to continue as a nonconforming use. The City Administrator and their authorized officers shall order the removal of any sign not in compliance with any provisions of this section. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding sign permits.

Section 10.05 Basic Design Elements for On-premises Signs

1. Conformance Required
   Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed, or structurally altered which does not comply with all of the regulations established by this Ordinance.
2. Maintenance
   All signs shall be maintained in sound condition, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

3. Nonconformance and Amortization
   Where a sign exists at the effective date of adoption or amendment of this Ordinance codified in this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
   A. No such sign may be enlarged or altered in, a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
   B. Should such a sign be destroyed by any means to an extent of 60 percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
   C. Within any zoning district, all signage shall comply fully with the provisions of this Ordinance, unless otherwise provided, within 15 years after the effective date of this Ordinance.

Section 10.06 Permit Procedures

1. Applicability
   A. A sign permit, approved by the Zoning Administrator, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming to this Ordinance.
   B. A permit shall not be required for repainting without changing permanent wording, composition, colors, or nonstructural repairs.

2. Plans Submittal
   A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this Ordinance. Such plans shall show sufficient details about size of the sign, location, and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this Ordinance.

3. Appeals
   Any person or persons aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided by this Ordinance, may appeal such decision to the Board of Adjustment as provided by Article 14 of this Ordinance.

4. Application Fees
   Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Master Fee Schedule.

Table 10.1 Detached Signs by Type and Zoning District

	TA-1	R-E	R-1	R-2	R-3	R-O	RM	MU	C-1	C-2	DO	CO	I-1	I-2
Directional	C	C	C	C	+	C	+	+	+	+	+	+	+	+
Ground	+	C	C	C	+	C	+	+	+	+	+	+	+	+
Off-Premise Billboard	-	-	-	-	-	-	-	-	-	-	-	-	-	-
On-Premise Billboard	-	-	-	-	-	-	-	-	+	+	+	+	+	+
Pole	-	-	-	-	-	-	-	+	-	+	-	+	+	+
Residential	+	+	+	+	+	+	+	+	+	+	-	-	-	-

+: permitted -: not permitted C: Permitted for Civic Uses

Table 10.2 Attached Signs by Type and Zoning District

	TA-1	R-E	R-1	R-2	R-3	R-O	RM	MU	C-1	C-2	DO	CO	I-1	I-2
Awning	-	-	-	-	-	-	-	+	+	+	+	+	+	+
Architectural Canopy	-	-	-	-	-	-	+	+	+	+	+	+	+	+
Banner	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building Marker	+	-	-	-	-	-	-	+	+	+	+	+	+	+
Incidental	C	C	C	C	C	C	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+	+	+	+	+
Projecting	-	-	-	-	-	-	-	-	-	+	+	+	+	+
Roof, Above Peak	-	-	-	-	-	-	-	-	-	-	-	-	+	+
Roof-Integrated	-	-	-	-	-	-	-	+	-	+	+	+	+	+
Suspended	-	-	-	-	-	-	-	+	+	+	+	+	+	+
Wall	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Window	-	-	-	-	-	-	-	+	+	+	+	+	+	+

+ : permitted -: not permitted C: Permitted for Civic Uses

Table 10.3 Miscellaneous Signs by Type and Zoning District

	TA-1	R-E	R-1	R-2	R-3	R-O	RM	MU	C-1	C-2	DO	CO	I-1	I-2
Flag	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Pennant	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Portable	-	-	-	-	-	-	-	-	-	-	-	-	-	-

+: permitted -: not permitted C: Permitted for Civic Uses

Table 10.4 Auxiliary Design Elements by Type and Zoning District

Illumination	TA-1	R-E	R-1	R-2	R-3	R-O	RM	MU	C-1	C-2	DO	CO	I-1	I-2
Bare Bulb	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Direct	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electronic Information	-	-	-	-	-	-	-	+	+	+	+	+	+	+
Flame	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Flashing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Indirect	C	C	C	C	+	C	C	+	+	+	+	+	+	+
Internal	C	C	C	C	+	C	C	+	+	+	+	+	+	+
Moving	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Multi-prism Indexing	-	-	-	-	-	-	-	+	+	+	+	+	+	+
Neon	-	-	-	-	-	-	-	+	+	+	+	+	+	+
Rotating	-	-	-	-	-	-	-	-	-	-	-	-	-	-

+: permitted -: not permitted C: Permitted for Civic Uses

Table 10.5 Maximum Sign Area by Type and Zoning District

	TA-1	R-E, R-1,R-2, and R-O	R-3 and R-M	C-1	C-2	DO	CO	I-1 and I-2
Square Feet of Signage per Lineal Foot of Frontage	NA	NA	NA	0.75	1.5	1.5	2.0	2.0
Maximum Total Square Feet	Note 1	Note 2	Note 3	300 Note 4	500 Note 5	200	700	700

Note 1: 200 square feet for civic or commercial uses, 2 square feet for residential uses, including home occupations.
Note 2: 50 square feet for project identification signs; 32 square feet for civic uses, 2 square feet for residential uses, including home occupations.
Note 3: 32 square feet for civic uses, 50 square feet for project identification signs for multi-family or manufactured (mobile) home developments and for nonresidential uses when permitted, 2 square feet for residential uses, including home occupations.
Note 4: Maximum limits apply to nonresidential premises only. On premises with primary residential use, 50 square feet for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.
Note 5: One Business Center Identification Sign with a maximum area of 100 square feet is permitted in addition to the Maximum Total Square Feet established subject to the regulations set forth by Table 10.6.

Table 10.6 Signs by Number, Dimensions, Location by Type and Zoning District

	TA-1	R-E, R-1, R-2, and R-O	R-3 and R-M	C-1 Note 1	C-2 Note1	DO Note 1	CO Note 1	I-1 and I-2 Note 1
Detached Signs								
Number Permitted per Premise	1	1	1	1	1	1	1	1
Per Feet of Frontage of Property	NA	NA	NA	NA	1 per 300	NA	1 per 300	1 per 300
Maximum Size (sq. ft.)	100	X	X	100	200	100	300	300
Maximum Height (ft) of Structure Above Ground	25	3	3	25	25	25	35	35
Front Yard Setback (ft)	25	2	2	0	10	0	5	0
Side Yard Setback (ft)	10	10	10	0	5	0	5	0
Attached Signs								
Maximum Size (sq. ft.)	100	X	X	50	NA	NA	300	300
% of Street Facade	NA	NA	NA	20	20	20	20	20

X See Table 10.5 for maximum sign sizes

Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:
a. The maximum area for a center identification sign shall be 100 square feet.
b. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
c. The sign shall display no more than the name and location of the business center.
d. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

Note 2: The size of building or wall signs may be increased in proportion to the setback if the building setback is more than 120 feet from the street frontage lot line, by one-half percent increase per foot of setback beyond such 120 foot line, with a maximum increase of 50 percent. This permitted increase is in addition to the overall premise sign size indicated in Table 8.5; however, the entire premise signs combined size shall not exceed 1,000 feet.

Note 3: If the premise has more than one street frontage, then the detached sign provisions apply separately to each frontage, within the overall sign size.

ARTICLE 11: SUPPLEMENTAL REGULATIONS

Section 11.01 Home Occupations and Home Based Businesses

11.01.01 Intent:

A home occupation or home-based business shall be allowed when said occupation or business is conducted on a property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

11.01.02 Allowed home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including small engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
9. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
10. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations). Allowed only within the TA-1 District.
11. Welding services only within the TA-1 District.
12. Other agricultural support services only within the TA-1District.

11.01.03 Prohibited home occupations:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

11.01.04 Allowed home based businesses:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.

6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including small engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
9. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
10. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations). Allowed only within the TA-1 District.
11. Welding services only within the TA-1 District.
12. Other agricultural support services only within the TA-1District.

11.01.05 Prohibited home based businesses:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

11.01.06 Performance Standards for Home Occupations and Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure, unless allowed within the TA-1 District.
5. Home occupations within the TA-1 District may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to store damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses, within the TA-1 District, are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the

property line.

13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.
15. No permit for a Home Occupation or Home-based Business shall supersede any State or Federal requirements for permits and licenses.

11.01.07 Revocation:

1. Conditions. A home occupation and home-based business is allowed based upon the provisions of this section may be required to cease to exist if the Zoning Administrator makes any of the following findings:
   A. That any condition of the home occupation or home-based business has violated these provisions.
   B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance.
   C. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Hickman Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of their revocation actions, shall report their findings of fact and decision to the Hickman Board of Adjustment. The Hickman Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.

Section 11.02 Radio, Television and Wireless Communication Towers

11.02.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

11.02.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

Base Station shall mean a structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

Broadcasting Tower shall mean a structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Conforming commercial earth station shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

Eligible facilities request is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

In Writing refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

Owner shall mean any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

Replacement shall mean the removal and upgrade of transmission equipment and not the structure on which it is located.

Specific and absolute timeframe this refers to the timeframe allowed for processing a telecommunication application under Section 6409 (a) of the Spectrum Act of 2012.

Stealth shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

Telecommunications Facilities shall mean any cables, wires, lines, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: (a) Any Conforming Commercial Earth Station antenna two meters or less in diameter; (b) Any earth station antenna or satellite dish antenna of one meter or less in diameter.

Tower shall mean any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

Tower owner shall mean any person with an ownership interest of any nature in a proposed or existing tower.

Transmission Equipment shall mean any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

11.02.03 Tower Construction Standards:

Listed below are tower construction standards.

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Conditional Use Permit by the City Council and issuance of the permit by the City.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform

to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

11.02.04 Application to Develop a Tower:

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Conditional Use Permit and shall include the following:
   A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
   B. The legal description and address of the tract of land on which the tower is to be located.
   C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
   D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants' telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants' telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
   E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
   F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
   G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
   H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. However, the 60-day application processing period may be extended only:
      1) By mutual agreement between the City of Hickman and the applicant, or
      2) By Hickman's determination that the application is incomplete.
         a. If the City of Hickman deems the application to be incomplete, the City shall notify the applicant of the incompleteness within 30 days of the initial filing.
         b. The City shall clearly and specifically delineate writing the missing information
         c. The clock shall resume when the information is provided, but may tolled again if the City of Hickman notifies the applicant within 10 days that the application remains incomplete.
         d. The City shall not request new information beyond what is already required.
      3) If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

11.02.05 Setbacks and Separation or Buffer Requirements

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

2. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The Planning Commission and City Council may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
3. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
4. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
5. Towers must meet the following minimum separation requirements from other towers:
   A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
   B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
6. Towers shall be held to all height requirements as prescribed in the Airport Hazard Area District.
7. As part of its conditional use approval process, the Planning Commission and City Council may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

11.02.06 Structural Standards for Towers Adopted:

The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

11.02.07 Illumination and Security Fences:

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

11.02.08 Exterior Finish:

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and City Council as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

11.02.09 Landscaping:

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

11.02.10 Prohibitions

According to the FCC, "[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

11.02.11 Substantial Change

The City of Hickman may only require an amended conditional use permit for changes/ modifications on a telecommunication tower/system that are defined by the FCC as substantial.

1. Substantial Change shall mean any of the following:
   A. Towers outside the public right-of-way, a "substantial change"
      - increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
      - Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
   B. Towers in the right-of-way, and all base stations, a "substantial change"
      - increases the height of the tower or base station by more than 10 percent or 10 feet, whichever is greater, or
      - protrudes from the edge of the structure more than six feet
   C. All Towers and base stations, a substantial change:
      - involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
      - entails any excavation or deployment outside the current site of the tower or base station;
      - defeats the existing concealment elements of the tower or base station; or
      - does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the "substantial change" thresholds identified above.
2. Changes in Height
   A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
   B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
   C. Note, the changes are measured cumulatively; otherwise a series of small changes could add up to a cumulative change that exceeds the "substantial change" threshold.

11.02.12 Inspections

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Zoning Regulations and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of Hickman's Zoning Office, or a duly appointed independent representative of the City.

11.02.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

11.02.14 Abandonment

If any tower shall cease to be used for a period of one year, the Zoning Administrator shall notify the tower owner the site will be subject to determination by the Zoning Administrator and the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or their designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Hickman codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

11.02.15 Approval Denial Procedures for Tower Development Permit

1. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by the City of Hickman shall not unreasonably discriminate among providers of functionally equivalent services;
3. The regulation of the placement, construction, and modification of personal wireless service facilities by the City of Hickman shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
4. The City of Hickman shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations;

Section 11.03 Fences, Screening and Retaining Walls

11.03.01 Intent

No fence or retaining wall (four feet in height or greater) shall be constructed within the zoning jurisdiction of the City of Hickman unless a permit therefore is approved (unless otherwise stated) by the zoning administrator and is constructed in conformance with the following requirements.

11.03.02 Temporary Fences

1. A temporary fence shall not require a permit from the City.
2. A temporary fence may be erected for up to 120 days every 12 consecutive months. Typical temporary uses include a garden fence, household pet enclosure, sunshade, or snow fence.
3. Temporary fences may not obstruct sight views or pose a threat to public safety.
4. A temporary fence not in compliance with the provisions of this ordinance is declared to be a nuisance.

11.03.03 Permanent Fence

Permanent fences shall require a permit from the City and shall meet the following criteria.

1. Placement
   A. Fences are not allowed in the road right-of-way or roadway easement, unless used as a tree protection device. Tree protection devices shall be removed at the same time as the tree it is protecting is removed.
   B. In no case shall the fence obstruct sight views or pose a threat to public safety.
   C. It shall be the property owner's responsibility to know where the property boundaries are located. Fences may be constructed up to six inches from the property boundary, provided no other fence location restriction applies.
   D. Prohibited Locations. No fence shall be erected within:
      1) The site triangular area required for clear vision of vehicles and pedestrians in relationship to adjacent sidewalks, trails, driveways, streets, or intersections.
      2) Ten feet from the opening side of all pad-mounted electrical equipment, and one foot from the non-opening sides.
      3) Three feet from all sides of an electrical power pedestal.
   E. Each permit application to construct a fence across/within a public utility easement is an agreement allowing full and free access by the city to the public utility easement.
   F. Any gate in the public utility easement shall not be locked or secured in any manner that prohibits access by the city, and public utility providers, to the easement area.
   G. Fences placed in easements are at risk of being damaged or destroyed by utility personnel or equipment at any time. The city or any other utility may not be held responsible for damage done to any fence in an easement.
   H. Any fence constructed in whole or in part on any public utility easement within the zoning jurisdiction of the city without express permission by the city and in full compliance with the provisions of this ordinance is declared to be a nuisance.
   I. Provisions must be made to contain stormwater and prevent erosion on the subject property and to protect all adjoining properties from the same during and after construction.
   J. Drainage to and from adjoining properties may not be altered by the placement of the fence; unless improvements are agreed upon by all parties affected by the change.
   K. All fences shall be located inside the boundaries of the property upon which constructed

except where two or more adjacent property owners, pursuant to written agreement filed with the City, agree to build one fence on the common lot line of adjacent side yards or back yards.

2. Height Limitations
   A. The height limit for fences shall be 76 inches unless otherwise noted in this ordinance. Height of a fence shall be determined by the vertical distance measured from the established grade level at the nearest sidewalk, top of curb, or other public right-of-way to the top of the highest part of the fence. Earth berms, whether manmade or not, terraces, and retaining walls that elevate the fence shall be considered a part of the fence and shall be included in the height of the fence.
   B. Fences constructed within the required front yard setback shall not exceed 50 inches in height and follow site triangle requirements.
   C. Fences constructed within the street side yard setback shall not exceed 76 inches in height and follow site triangle requirements.
   D. Fences constructed along lot lines separating a Residential lot from a Commercial or Industrial lot shall not exceed 100 inches in height.
   E. Where it is demonstrated, for security purposes, the perimeter fencing around a building located in an area zoned Industrial District must be higher than 100 inches in height may be approved by a Conditional Use Permit.
   F. Fences constructed along and parallel to rear or side lot lines adjoining arterial streets, as designated by the Hickman Transportation Map, shall not exceed 100 inches in height.
3. Design Criteria
   A. Fences located within the front yard of a residential lot must qualify within the definition of an open fence.
   B. Vegetation, shrubbery or trees shall not be allowed to grow through a fence if growth extends beyond the property line.
   C. All fences shall be maintained in good repair.

11.03.04 Prohibited Materials for Permanent Fences

Prohibited materials shall include but not be limited to:

1. Sheet metal;
2. Metal building siding and roofing materials;
3. Corrugated metal or fiberglass;
4. Barbed Wire. The use of barbed wire for any fence is prohibited except:
   A. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
   B. Fencing constructed for agricultural purposes on parcels of land five acres or more in the Transitional Agriculture District, provided they do not abut a residential zoning district.
5. Plywood;
6. Scrap wood;
7. Scrap metal;
8. Cast-off, secondhand, or other materials not originally intended to be used for constructing or maintaining a fence;
9. Stock fences; and/or
10. Flexible material (snow), chicken wire, canvas, nylon or other.
11. Animal pens within the City Limits are not allowed.

11.03.05 Types Restricted

1. Within city limits, barbed wire, or charged with electricity, fences shall not be erected or maintained, if constructed of barbed wire or charged with electricity.
2. Outside of city limits, barbed wire, or electrically charged, fences may be erected or allowed to remain when such fences are demonstrated to be used for agricultural purposes and built at least 36 inches inside the lot line when adjacent to a public: street, outlot, trail, sidewalk or right-of-way.
3. Perimeter and/or security fencing of property/buildings constructed within the corridor overlay shall not be chain link.
4. Perimeter and/or security fencing of property/buildings constructed in an Industrial District may

be constructed of customary fence types for the use. The fence plans and specifications must be approved by the city before commencement of construction.

11.03.06 Exception

Invisible fence systems used for containment of household pets are exempt from fence regulations when placed within private property.

11.03.07 Facing

The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

11.03.08 Fences in Existence as of the Date of Adoption of this Ordinance

Any existing fence which was in conformity with the provisions of any previous ordinance, and which was in place as of the date of adoption of this Ordinance may remain without change. However, any replacement or change of said existing fence, or addition of a new fence, shall meet the requirements of this Ordinance.

11.03.09 Screening

1. Approved materials. The Chief Building Official must approve all screening material prior to installation. Materials typically used for screening are heavy cloth, wood, metal, slats in chain link fencing, evergreens, earthen knoll, stone, brick, masonry or in combination.
2. Height. (In required zoning district screening) Screening shall be installed to a minimum height of between six to 12 feet above finish grade, at the direction of the Chief Building Official, to visually obscure a particular use from all public rights-of-way.
3. Garbage containers, used cooking oil containers, refuse containers, and dumpsters. Screening shall be required for trash enclosures, garbage containers, used cooking oil containers, refuse containers, and dumpsters.
4. Outdoor Storage
   Screening may be required for outside storage areas and all other uses and activities not conducted entirely within an enclosed building in C-1, C-2, I-1 and I-2 zoning districts.
5. Exceptions.
   A. Properly licensed dealer sales lots in full compliance with all applicable regulations.
   B. Seasonal storage of bulk items related to the business as approved by city official.
   C. Special sales related to the business as approved by city official.
   D. Conditional use permit approvals.

11.03.10 Retaining Walls

1. Permits as required in by the City of Hickman
   A. A separate retaining wall permit is required for all retaining walls which are 24 inches in height or greater.
   B. A permit is not required for improvements that involve repairs of a minor nature as determined by the Chief Building Official, or a retaining wall 24 inches or less in height, unless construction of the wall will result in a material change of grade or surface water flow that may affect other properties. In that event, a retaining wall permit is required.
2. Zoning requirements for new retaining walls shall meet the following as well as all building codes.
   A. The minimum setback from a lot line for a retaining wall below grade of the public right-of-way shall be 10 feet.
   B. A minimum setback from a lot line for new retaining walls that rise above the grade of the public right-of-way shall be one foot of distance for each one foot of height.
   C. For retaining walls over 24 inches in height visible from the road or adjacent property, the use of a smooth concrete wall shall not be permitted. The exterior of all such walls shall be natural materials, decorative wall blocks or textured concrete, to minimize the negative visual impact of the wall. The treatment of these walls shall be indicated on the site plan and construction drawings.
   D. Retaining walls over 30 inches in height that create a walkable surface behind the top of the retaining wall shall have a guard or fence at least 48 inches in height at the top of the

wall to ensure safety. Multitiered retaining walls shall have a guard or fence installed on the highest tier. Lower, accessible, tiers shall be protected with fencing, guard, or landscaping to prohibit access at each end.

E. Retaining walls of any height are not permitted in any utility easement.

F. Building permit applications for new retaining walls must include, in addition to all other requirements:

1) Construction drawings designed, signed, and sealed by a professional engineer or registered architect duly licensed by the State of Nebraska, indicating type of wall and construction details.

2) Signed and sealed calculations showing the wall is designed to prevent overturning, sliding, excessive foundation pressure and water uplift. Retaining walls must be designed for a safety factor of 1.5 for lateral sliding and overturning.

3) A site plan indicating:

(a) The location of the wall on the property.

(b) Property lines and easements.

(c) The dimensions of the proposed wall.

(d) All drainage components.

(e) The location of all utilities, existing or proposed

(f) The direction of all surface water flow.

(g) Location and detail of erosion control components.

(h) All existing trees in or near the area of construction and including all trees to be removed and methods of protection for trees to remain.

3. Retaining wall design shall meet the following as well as all building codes.

A. A new retaining wall or single tier of a multitiered wall shall not exceed four feet in height. The height is to be measured from the lowest point on the adjoining grade.

B. A minimum horizontal distance of four feet is required between walls installed in a tiered installation. The area between the tiers shall be graded with no more slope than needed to facilitate shedding of surface waters and must be landscaped with natural material and be properly maintained.

C. A retaining wall cannot exceed the height of the adjoining grade it supports or retains.

D. Provisions must be made to contain stormwater and prevent erosion of the subject property and to protect all adjoining properties from the same during and after construction.

E. Permission to enter upon and/or disturb any adjoining property must be obtained from the property owner prior to the issuance of a building permit. Any adjoining property disturbed by the installation of a retaining wall must be restored to its previous condition.

F. Retaining walls will not be permitted when the installation will destabilize or cause the removal of trees on an adjoining property, regardless of property line location, unless prior written permission is granted by the adjoining property owner and a tree removal permit is issued.

G. Standard concrete block and untreated landscape ties are not permitted.

4. Repairs and replacement of existing retaining walls shall meet the following as well as all building codes.

A. All major repairs of an existing retaining wall of any full-height section of the wall over two feet in height shall require a permit. For all repairs over four feet in height, plans must be submitted, signed and stamped by a duly licensed construction design professional who may be an architect or engineer.

B. Not needing a permit include repairs of a minor nature, not limited to, patching cracks in concrete retaining walls, replacement of rotted landscape ties that will not cause the removal of entire wall sections and correction of settlement in masonry unit walls not disturbing the geotextile or footings.

C. Retaining walls shall be inspected annually by the owner for signs of tipping, clogged drains or soil subsidence. If such conditions exist, they should be corrected immediately. The City of Hickman Building Official shall have the authority to require any necessary repairs to a retaining wall jeopardizing public health, safety, and property.

D. Existing retaining walls may be replaced, in the existing configuration, without conforming to meeting all building codes; however, the applicant/builder shall meet with the City to determine any exceptions or requirements.

Retaining Walls in Utility Easements. Retaining walls cannot be placed in utility easements without first filing an affidavit with the County Register of Deeds holding the City of Hickman blameless for the removal, damage, or disruption of such retaining wall when necessary to access the utility easement.

Section 11.04 Industrial Development

11.04.01 Intent:

This section is intended to provide minimum design standards to ensure that where industrial development occurs with other development types that the industrial structures are designed in keeping with the overall development pattern.

11.04.02 Standards:

1. Building Design
   A. Concrete tilt-up buildings are allowed subject to the following standards:
      1) Panels shall be embossed with reveals that repeat a common pattern.
      2) All elevations visible from a public or private street shall include variable parapet heights and two feet minimum projections with the distance between not to exceed 60 feet.
      3) All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.
   B. Metal is prohibited as a primary exterior surface material on industrial buildings (including manufacturing, storage, distribution, or assembly buildings) on the side of the building oriented to the corridor or other public street. Metal may be used as a trim material on the side of the building oriented to the corridor or other public street, covering no more than 30 percent of the façades of such buildings.
2. Landscaping. Exterior Boundaries A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any industrial development or industrial park, except those portions of the boundaries adjacent to dedicated public streets and alleys.
3. Landscaping. Developed Lots All of a developed lot except that portion covered by buildings, parking lots, and driveways, shall be landscaped. Landscaping may consist of grass, trees, decorative walls, screenings, terraces, fountains, pools, or other landscaping approved by the local jurisdiction. Landscaping in accordance with the exhibits approved final plat and subdivision agreement.
4. Outdoor Waste Storage. Screened From View Outdoor storage of waste material or refuse and all refuse collection bins, cans, or other containers shall be concealed from view such that the same cannot be seen from any point under ten feet in height outside of the Industrial district, or from any point, indoors or outdoors, on adjoining property within the Industrial district.
5. Landscaping. Interior Property Lines A landscaped buffer of a minimum of ten feet in width shall be established and maintained along the interior of property lines of all lots in any industrial park, except for those areas used for ingress and egress to the property through curb-cuts opening onto dedicated public streets and alleys.

11.04.02 Performance Standards for Industrial Uses:

1. Physical Appearance:
   All operations shall be carried on within an enclosed building except new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
2. Fire hazard:
   No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Hickman.
3. Noise:
   No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with

the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

A. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts
The following displays the maximum permitted sound levels that may be generated by uses in the I-1, or I-2 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 11.04.1 Maximum Permitted Sound Levels at Residential Boundaries

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
I-1	7:00 a.m. - 10:00 p.m.	60
I-2	7:00 a.m. - 10:00 p.m.	70
I-1 and I-2	10:00 p.m. - 7:00 a.m.	55

Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

4. Separation distances for specific uses to dwellings, See Table 11.04.2. Distances shall be measured to property line to the listed uses.

Table 11.04.2 Separation Distances

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle racetracks and courses, off road courses or tracks	½ mile
Mining or Resource Extraction	½ mile
Salvage Yard	¼ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel	½ mile
Commercial storage of hazardous waste or hazardous	¾ mile

5. Sewage and Liquid Wastes:
No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
6. Air Contaminants:
   A. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
   B. Particulate matter of dust as measured at the point of emission by any generally accepted

method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

C. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

D. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.

E. Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.

F. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

G. Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 11.05 Nonresidential Developments and Traffic Analysis Requirements

1. The applicant may be required to provide a traffic impact analysis, in accordance with the Institute of Transportation Engineers requirements for traffic impact studies. Such analysis shall evaluate traffic generated by a proposed development and its probable impact on existing roads and intersections in the area for:
   A. Any proposed nonresidential development containing a gross floor area of 100,000 square feet or more;
   B. Any development which, in the City Engineer's judgment, could generate high levels of traffic, exacerbate existing traffic conditions, or create a traffic safety issue; or
   C. Any intersection that would have 100 or more vehicles trips in a peak hour.
2. The traffic analysis shall be prepared by a professional traffic engineer and shall include:
   A. Past and present roadway conditions including location and number of accidents;
   B. Existing and projected traffic volumes (average daily traffic, peak A.M., and P.M.),
   C. Existing roadway capacity; volume & capacity ratios;
   D. Proposed sight lines; and
   E. All calculations shall be based on facts and reasonable generation factors of the site, affected road net- works, and intersections.
3. In analyzing potential traffic impacts, the City Engineer shall consider:
   A. The effect of the proposed development on traffic conditions on abutting streets and any nearby intersections that would have 100 or more vehicle trips in a peak hour;
   B. The patterns of vehicular circulation in relation to the adjoining street system;
   C. The adequacy of:
      1) traffic signalization, traffic channelization, left-turn lanes, and roadway widths of adjoining streets;
      2) vehicular stacking lanes and/or distances;
      3) pedestrian drop-off areas; and
      4) other traffic or transportation facilities to accommodate the proposed development.
4. A significant traffic impact shall be presumed where the projected traffic volume:

A. Will cause the study area intersections to exceed the projected volume/ capacity ratio of nine-tenths (0.9);
B. Increases the study area intersection/ roadway peak hour volume by 15 percent or more; or
C. Reduces the projected peak hour Level of Service to "D" or lower for the overall intersection as defined by the Transportation Research Board (TRB) Highway Capacity Manual (HCM) for automobiles.

5. The Planning Commission shall not approve a proposed development with a significant traffic impact unless:
   A. The Planning Commission finds that the development satisfies the Zone Change or a Conditional Use Permit criteria and would enhance the character surrounding neighborhood, or
   B. The proposal is revised to mitigate the adverse impacts (such as limiting the number of curb cuts along heavily trafficked roads, widening roadway lanes, adding roadway lanes, adding turning lanes, providing signal modifications, providing traffic signalization, or similar improvements).

Section 11.06 Small Wind Energy Systems

11.06.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

11.06.02 Definitions

The following are defined for the specific use of this section.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

11.06.03 Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
   A. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
   B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
   A. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
   A. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
   B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
   A. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
   A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
   B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
   C. The manufacturer frequently supplies this analysis.

D. Wet stamps shall not be required.

6. Compliance with FAA Regulations
   A. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
   A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
   B. The manufacturer frequently supplies this analysis.
8. Utility Notification
   A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
   B. Off-grid systems shall be exempt from this requirement.
9. Setbacks
   All towers shall adhere to the setbacks established in Table 11.07.01

* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 11.07 Commercial/Utility Grade Wind Energy Systems

11.07.01 Purpose

It is the purpose of this ordinance to promote the safe, effective and efficient use of commercial/ utility grade wind energy systems within the zoning jurisdiction of the City of Hickman.

11.07.02 Definitions

The following are defined for the specific use of this section.

A-WEIGHTED SOUND LEVEL (DBA) shall mean a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (governed by OSHA) and community noise regulations.

AGGREGATE PROJECT shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CWECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

BLADE GLINT shall mean the intermittent reflection of the sun off the gloss surface of wind turbine blades.

BUILDING-MOUNTED WIND TURBINE (BMWT) shall mean a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.

COMMERCIAL WECS (CWES) shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

DECIBEL (DB) shall mean the measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at three feet averages about 65 dbA.

FAA shall mean the Federal Aviation Administration.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

FCC shall mean the Federal Communications Commission.

FEEDER LINE shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

FURLING shall mean a design characteristic of a wind turbine intended to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.

HUB HEIGHT shall mean the distance measured from ground level to the centerline of the rotor.

ICE THROW shall mean ice build-up that is thrown by the spinning turbine blades.

METEOROLOGICAL TOWER shall mean, for purposes of this ordinance, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation, or other applications to monitor weather conditions.

MICRO-WIND ENERGY CONVERSION SYSTEM shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

NACELLE shall mean a cover housing that holds all of the generating components of a WECS, such as the gearbox, drive train, rotor shaft, and brake assembly.

OPERATOR shall mean the person or entity responsible for the day-to-day operation and maintenance of the WECS.

PUBLIC CONSERVATION LANDS shall mean land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

PURE TONE shall mean a sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five db for center frequencies of 500 Hz and above, and eight db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.

RESIDENTIAL WIND ENERGY CONVERSION SYSTEM (RWECS) shall mean a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

ROTOR shall mean the rotating part of a turbine, including the blades.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

SENSITIVE RECEPTOR shall mean structures that have occupants on a routine basis and whose occupants could be negatively affected by noise, vibration, shadow, or flicker, including those structures intended for four season human habitation (whether inhabited or not), public parks, state designated wildlife areas, the manicured areas of private recreational establishments such as golf courses or the campsites in a state approved campground, schools, daycare centers, elderly care facilities, hospitals, places of public assembly, and businesses.

SHADOW FLICKER shall be the effect of the sun (low on the horizon) shining through the rotating blades of a wind turbine, casting a moving shadow. It will be perceived as a "flicker" due to the rotating blades repeatedly casting the shadow.

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

STALL CONTROL shall mean a braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

SUBSTATIONS shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

TOWER shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

TOWER HEIGHT shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

TURBINE, OR WIND TURBINE see "Wind Energy Conversion System."

UPWIND ROTOR shall mean a design in which the rotor on a wind turbine tower faces into the wind.

WELL-DESIGNED BRAKING SYSTEM shall mean the primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

WIND ENERGY CONSERVATION SYSTEM shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

11.07.03 Requirements

A Commercial Wind Energy Conversion System (CWECS) may be allowed in the TA-1 District by conditional use permit under the conditions listed below:

1. In cases where CWECS wind turbines are part of a unified plan, parcels which are separated

from one another only by the presence of public right-of-way may be combined into one conditional use permit application. When a conditional use permit covers multiple premises, the lease or easement holder may sign the application rather than the lot owner.

2. Turbines shall meet all FAA requirements, including but not limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the turbine other than those required by the FAA or other governing body. Each turbine shall have onsite a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the wind facility.
3. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing the turbine(s) and all related supporting infrastructure and a bond or equivalent enforceable resource to guarantee removal and restoration upon discontinuance, decommissioning or abandonment. Each tower shall be removed within one year of decommissioning or revocation of the special permit. Upon removal of the tower, there shall be four feet of soil between the ground level and former tower's cement base.
4. Any proposed turbine which is within half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker. If a turbine violates this standard on a non-participating dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.
5. Construction and operation shall not adversely impact identified state or federal threatened or endangered species such as saline wetlands, or rare natural resources such as native prairie and grasslands.
6. No turbine shall obstruct or impair an identified view corridor or scenic vista of public value, as mapped in the Lincoln/Lancaster County Comprehensive Plan and Hickman Comprehensive Plan . The views from prominent environmental areas shall also be protected from adverse visual or noise impacts. Any application which, upon initial review, poses a possible impact to these views will be required to be relocated or provide view shed mapping, and visual simulations from key observation points for review and approval by the City of Hickman.
7. Setbacks to the turbine base:
   A. For the purposes of this section, "turbine height" shall be equal to hub height plus the rotor radius.
   B. For a non-participating property, the setback shall be two times the turbine height measured to the property line, or three and one-half (3.5) times the turbine height, measured to the closest exterior wall of the dwelling, whichever is greater, but at a minimum 1,000 feet to the property line.
   C. For participating dwelling, the setback shall be two times the turbine height measured to the closest exterior wall of the dwelling.
   D. The setback to any public right-of-way or private roadway shall be no less than the turbine height.
   E. Setbacks to the external boundary of the conditional use permit area shall be no less than as stated above, except that the owner of the adjacent property may sign an agreement allowing that setback to be reduced to the rotor radius plus the setback of the zoning district.
8. Noise: No CWECS or combination of CWECS turbine(s) shall be located as to cause an exceedance of the following noise level standards. The noise level shall be measured at the closest exterior wall of any dwelling located on the property. If a turbine violates a noise standard on a dwelling, constructed after the turbine is approved, then the turbine becomes a non-conforming use.

   For nonparticipating properties, the noise level shall have a 42 dBA maximum 10 minute Leq for all hours of the day and night, or a three dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study.

For participating properties, the noise level shall have a 50 dBA maximum 10 minutes Leq for all hours of the day and night.

Each application shall include a professional third-party pre-construction noise study which includes all property within at least one mile of a tower support base and must be able to demonstrate compliance with the noise standards in subparagraph 8. The protocol and methodology for such studies shall be submitted to the City for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst-case scenarios for noise propagation. The complete results and full study report shall be submitted to the City for review and approval.

9. Prior to the commencement of construction of any turbine, pre-construction noise monitoring may be conducted to determine ambient sound levels in accordance with procedures acceptable to the City.
10. Prior to the commencement of construction of any turbine, the applicant shall enter into an agreement with the City Engineer and County Engineer regarding use of County roads during construction.
11. Post-construction noise level measurements shall be performed in accordance with procedures acceptable to the City within one year of completion of construction to determine if the permittee is in compliance with this title and the terms of its Conditional Use Permit. Noise level measurements shall be taken by third party professional acousticians or engineering firms specializing in noise measurements and in accordance with procedures as approved by the City and shall be performed at the expense of the holder of the Conditional Use Permit. Any report, information or documentation produced in accordance with such study or measurements shall be provided to the City and shall be a public document subject to Nebraska's public records laws.
12. All noise complaints regarding the operation of any CWECS shall be referred to the City Council. The City Council shall determine if noise monitoring in addition to that required under the paragraph above shall be required to determine whether a violation has occurred. If the City Council determines such noise monitoring shall be required, it shall be done at the expense of the holder of the Conditional Use Permit in accordance with procedures and by third party professional acousticians or engineering firms specializing in noise measurement approved by the City. The results of such monitoring shall be provided directly from the party or parties conducting the monitoring to the City for review and reporting.

Table 11.07.1 Separation Distances for Commercial/Utility Grade Wind Energy Conversion Systems

Type of Setback	Wind Turbine – Non Commercial WECS
Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

Section 11.08 Salvage Yards

Salvage yard facilities and salvage of materials may be allowed in identified districts; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location):

1. Construction and operation shall comply with the Hickman Municipal Code and any other applicable codes.
2. Receiving areas for junk or salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened (solid fence) storage areas.

3. Salvage yards and the salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by FEMA.
4. Salvage Yards or the salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway, or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Roads or subsequent successor agency.
5. Salvage materials kept outside a building or buildings shall not be located in the required front yard.
6. All motor vehicles shall have all fluids drained prior to placement within the facility.
7. Screening:
   A. The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped buffer yards.
   B. Each existing salvage services facility shall be screened from public right-of-way as provided above within one year of the effective date of this Ordinance.
8. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
9. No Salvage service use may be established within 500 feet of the nearest property line of any pre-established civic use, or within ¼ mile (1,320 feet) of the nearest property line of an R-1, R-2, R-3, or R-M District.

Section 11.09 Solar Energy Uses

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of Hickman unless a Conditional Use Permit has been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

11.09.01 General Solar Definitions

ACCESSORY SOLAR ENERGY SYSTEMS shall mean any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

CONCENTRATED SOLAR POWER shall mean a solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

DEVELOPMENT shall mean any plat, subdivision, or planned unit development created under the Hickman Zoning Ordinance.

ELECTRIC UTILITY shall mean the public electric utility providing retail service to a given area.
Net Excess Generation: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

NET METERING shall mean a system of metering electricity in which a local distribution utility:
1. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
2. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy

portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

SOLAR ACCESS shall mean the ability to receive sunlight across real property for any solar energy device.

SOLAR ACCESS EASEMENT shall mean a right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS) shall mean an assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

SOLAR CONVERSION SYSTEM, COMMERCIAL shall mean a commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED shall mean any SCS which is directly supported and attached to the ground.

SOLAR CONVERSION SYSTEM, INDIVIDUAL shall mean an individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

SOLAR CONVERSION SYSTEM, NEIGHBORHOOD shall mean a neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

SOLAR CONVERSION SYSTEM, LARGE multiple CSCSs and any related supporting infrastructure that primarily provide off-site power, have a rated capacity of 100 kilowatts (kW) (ac) or more, and is the primary use on a premises.

SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED shall mean any SCS which is directly connected to and supported by a building.

SOLAR SKYSPACE shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector:

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR ORIENTED SUBDIVISION shall mean a subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

SOUTH OR SOUTH-FACING shall mean True South, Or 20 Degrees East of Magnetic South.

11.09.02 General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section

1. For commercial and neighborhood SCS:
   Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
2. For commercial and neighborhood SCS:
   Applicant shall comply with specific requirements of the local fire department.
3. Maintenance:
   All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
4. Decommissioning:
   All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the City of Hickman, the electric utility, and the owner/developer.
5. Repowering:
   If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
   A. Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
6. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
7. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
8. SCS may be installed in the floodway fringe subject to Section 6.12, as may be amended from time to time, given that all components are installed a minimum of one foot above base flood elevation and subject to written authorization of the Floodplain Administrator.
9. No SCS shall be constructed in the identified Floodway.
10. Concentrated Solar Power (CSP) systems are prohibited within the City of Hickman' jurisdiction.
11. Financial assurances shall be in place as part of the Decommissioning Plan.

11.09.03 Individual Solar Conversion Systems

1. General Requirements for ISCS:
   A. ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:
   B. An SCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
   C. A ground-mounted SCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
   D. No ground mounted SCS shall be located in the required side yard or front yard.
   E. All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.
   F. The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

2. Structural Requirements:
   The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.
3. Plot Plan:
   The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
4. Preexisting Solar Panels:
   Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City of Hickman, may continue to be utilized so long as it is maintained in operational condition.
5. Decommissioning
   A. Whenever an SCS ceases operation on a property, it shall be required to report this to the City and the electric utility.
   B. Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

11.09.04 Neighborhood Solar Conversion Systems

1. General Requirements for NSCS:
   A. NSCS's shall meet the following requirements as provided herein:
   B. An NSCS shall be set on its own lot within the neighborhood/development.
   C. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
   D. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement.
   E. The developer shall provide the City with all solar easements established; however, Hickman shall not be responsible for enforcing said easements.
   F. All solar easements shall be enforced by an establish Homeowners Association for the development/neighborhood.
   G. A ground mounted NSCS shall be protected with fencing and/or bollards.
   H. All connections to the uses within the neighborhood shall be made underground.
   I. An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency.
   J. A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
   K. All ground mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. Solar Oriented Subdivision/Plot Plan:
   A. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.
   B. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.
   C. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
   D. The developer shall install all underground wiring as prescribed by the electric utility.
   E. All underground wiring shall be protected by a utility easement or located within

prescribed rights-of-way.

F. The developer shall provide the City with As-builts of the wiring locations within the subdivision.

4. Decommissioning

A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

11.09.05 Commercial Solar Conversion Systems

A CSCS may be allowed by Conditional Use Permit under the following conditions:

1. The CSCS shall use photovoltaic cells to convert solar energy into electricity.
   A. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a CSCS, shall be located as to cause an exceedance of the following noise level standards.
      1) From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute LAeq
      2) From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq
2. For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.
   A. Obtain an approved erosion control plan from the Lower Platte South Natural Resources before receiving building permits.
3. The CSCS shall provide visual screening for adjacent non-participating residential uses, public park uses, and school uses, through setbacks as otherwise required in the County Zoning Regulations and/or other techniques to address the site-related impacts of the CSCS on adjacent non-participating properties.
4. The applicant shall use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing, walls or berming may be used to supplement other screening methods but shall not account for over 50 percent of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance with the visual screening requirements provided herein.
   A. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
   B. The screen shall only be required if the closest exterior wall of the dwelling is within 300 feet of the property line adjacent to the CSCS.
   C. If the screen is required, the screen shall cover 100 percent of the surface area of a vertical plane extending along the property line adjacent to the CSCS at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus 75 feet in both directions or until it reaches a public road right-of-way, whichever comes first, and from the ground to a height of at least eight feet above the adjacent ground.
   D. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
      1) The screen shall cover at least 70 percent of a vertical plane extending along the entire property line adjacent to the CSCS, from the ground to a height of at least eight feet above the adjacent ground.
   E. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
      1) Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.

F. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
   1) The side slopes shall not exceed 3 to 1, horizontal to vertical.
G. The mounded ground surface shall be protected to prevent erosion though the use of turf lawn or other alternative groundcovers.
H. If the visual screening is achieved through vegetation, it shall be provided and maintained along the property line as follows:
   1) At a rate of at least four trees every 100 linear feet. Of the four trees every 100 linear feet, at least one shall be a deciduous shade tree and three shall be evergreen or ornamental trees. The trees shall be evenly distributed within each 100 linear feet section.
I. At least 2/3, but no more than 3/4 of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
J. Each tree shall have a minimum mature height of 15 feet.
K. The planting shall be maintained and dead or diseased vegetation shall be replaced promptly during the growing season of April to October.
L. Visual screening is not required along the property line adjacent to a Participating Property.
M. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:
   1) A plan outlining the means, procedure, and costs of removing the CSCS, including, but not limited to, the solar panels and collectors, electrical wiring/cabling, fencing, and any related supporting infrastructure to a minimum depth of three feet.
   2) At the expense of the permittee, a cost estimate for the decommissioning of the CSCS and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.
   3) The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the CSCS shall provide the decommissioning cost guaranty no later than the end of the 15th year of operation, and shall maintain the financial security thereafter for as long as the CSCS is in existence or upon discontinuance, decommissioning, or abandonment of the CSCS Such financial security shall be updated every five years to cover the costs associated with the updated decommissioning cost estimates.
   4) For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the CSCS has produced no energy for 12 consecutive months. The owner or operator shall have 12 months to complete decommissioning of the CSCS. If the owner or operator of the CSCS fails to remove the installation in accordance with the requirements of this permit or within 12months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

11.09.06 Large Solar Conversion Systems

1. A Large Solar Facility may be allowed in the TA-1 Districts under the following conditions:
   A. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.
   B. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, shall be located as to cause an exceedance of the following noise level standards.
   C. From the hours of 10 pm to 7 am: 50 dBA maximum 10-minute LAeq

D. From the hours of 7 am to 10 pm: 60 dBA maximum 10-minute LAeq
E. For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.
F. Obtain an approved erosion control plan from the Natural Resources District before receiving building permits.
G. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, and school uses, through setbacks as otherwise required in the Hickman Zoning Ordinance and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties.
    1) The applicant shall use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing, walls or berming may be used to supplement other screening methods but shall not account for over 50 percent of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance with the visual screening requirements provided herein.
        a. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
            i. The screen shall only be required if the closest exterior wall of the dwelling is within 300 feet of the property line adjacent to the Large Solar Facility.
            ii. If the screen is required, the screen shall cover 100 percent of the surface area of a vertical plane extending along the property line adjacent to the Large Solar Facility at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus 75 feet in both directions or until it reaches a public road right-of-way, whichever comes first, and from the ground to a height of at least eight feet above the adjacent ground.
        b. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
            i. The screen shall cover at least 70 percent of a vertical plane extending along the entire property line adjacent to the Large Solar Facility, from the ground to a height of at least eight feet above the adjacent ground.
        c. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
            i. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the City.
        d. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
            i. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
            ii. The mounded ground surface shall be protected to prevent erosion though the use of turf lawn or other alternative groundcovers.
        e. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:
            i. At a rate of at least four trees every 100 linear feet. Of the four trees every 100 linear feet, at least one shall be a deciduous shade tree and three shall be evergreen or ornamental trees. The trees shall be evenly distributed within each 100 linear feet section.
            ii. At least 2/3, but no more than 3/4 of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
            iii. Each tree shall have a minimum mature height of 15 feet.
        f. Visual screening is not required along the property line adjacent to a Participating Property.
H. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the City prior to beginning operations. The decommissioning plan shall provide the following:

1) A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cabling, fencing, and any related supporting infrastructure to a minimum depth of three feet.
2) At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the City a revised and updated decommissioning cost estimate every five years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.
3) The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the City at a bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the City which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to City. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the 15th year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility Such financial security shall be updated every five years to cover the costs associated with the updated decommissioning cost estimates.
4) For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for 12 consecutive months. The owner or operator shall have 12 months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within 12 months following discontinuance, decommissioning, or abandonment, the City may collect the bond or other financial security and the City or a hired third party may enter the property to physically remove the installation.

Table 11.09.1 Separation Distances for Solar Conversion Systems

Property Line Setbacks	
Non-Participating Property with a Dwelling	100 feet
Non-Participating Property without a Dwelling	50 feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

Section 11.10 Self-Service Storage Facilities (Mini-Warehouses)

1. Minimum lot size of the Self-Service Storage Facility shall be 5,000 square feet.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage may open into the front yards.
6. The total area covered by buildings shall not exceed 50 percent of the site.
7. The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.
8. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all yards shall be landscaped.
9. Site development shall include provisions for stormwater management in accordance with the

Regulations of the City of Hickman

10. Height limitations shall require a maximum height of 20 feet for any structure in the facility.

Section 11.11 Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

Section 11.12 Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25 percent of the gross floor area of the building.

Section 11.13 Automobile Washing Facilities

1. Each automated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and 40 feet of stacking vehicles on the exit side.
2. Each self-service auto washing facility shall provide 60 feet of stacking space per bay on the approach side and 20 feet per bay on the exit side of the building.

Section 11.14 Bed and Breakfasts

Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance
2. Rooms may not be rented for more than seven consecutive days and no more than 14 days per person in any 30-day period.
3. Breakfast must be served on premises and included within the room charge for guest of the facility and shall be the only meal provided.

Section 11.15 Outdoor Dining including Sidewalk Cafes

1. Sidewalk cafes and outdoor dining areas shall be accessory to the immediately abutting primary use, and the items sold for consumption in the outdoor dining area shall be sold in the immediately abutting primary use.
2. The use shall not include any open flames or other safety or health hazards, with the exception of tabletop candles.
3. If the use is located on a public sidewalk, all of the following requirements shall be met.
   A. Any outdoor dining area must maintain a minimum clear path of four or six feet, depending on adjacent roadway classification in order to maintain use of the public sidewalk for all users.
   B. Any outdoor dining area shall not be allowed on sidewalks less than eight feet in width.
   C. The owner or operator of the immediately abutting primary use shall be required to obtain a revocable permit from the City that establishes the boundaries of the area permitted for this use.
   D. Before and after the immediately abutting primary business's operating hours, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.
   E. Outside of the operating hours of the immediately abutting primary business, the outdoor dining area shall be cleaned of all dining materials and waste.
4. Outdoor dining areas where alcohol is consumed must meet all applicable Nebraska Liquor law requirements. If this results in the construction of a wall, fence, or similar barrier around the perimeter and the wall, fence, or similar barrier is located on the sidewalk, all of the following requirements shall be met.
   A. The owner or operator of the immediately abutting primary use shall be required to obtain a revocable permit from the City.
   B. A decorative wall, fence, or similar barrier shall be limited to between three feet and four feet in height and shall be located at least six feet from any building standpipe, hydrant,

crosswalk, drive aisle, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.

C. The depth of the area enclosed by a wall, fence, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least six feet in width.

D. The area enclosed by a wall, fence, or barrier shall not contain any utility vault.

Section 11.16 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries

It shall be unlawful for any owner or owners or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:
   A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
   B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
   C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
   D. The application shall identify proposed vehicle and equipment storage areas;
   E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
   F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
   G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
   H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
   I. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator's office prior to issuing a Conditional Use Permit;
   J. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the City and County.
2. Exceptions
   A. Sections 11.16 (1) (A-J) do not apply to removals, extractions, and operations removing less than 100 cubic yards from a given location.
   B. Sections 11.16 (1) (A-J) do not apply to owners who donate soil to a municipality, county, or state. Further, this section does not apply to sand and gravel quarries, or the commercial removal of soil not used for road purposes.

Section 11.17 Mobile Food Units

1. Mobile Vendor are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:
   A. All vendors shall be located on private property zoned C-1 and C-2, except when allowed on Public Property per Municipal Code and Procedure. On private property, mobile food vendors are not allowed to operate between the hours of 3:00 a.m. and 6:00 a.m. daily.
   B. All vendors shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
   C. Street driving vendors need a solicitor's permit only to motorize throughout the City streets

and vend directly from the unit per Municipal Code.

D. All refuse shall be transported off-site daily unless an agreement with the property owner is submitted to the City.
E. No units shall be allowed to use intense lights or sound in order to attract customers.
F. No offensive noise or smell is to be emitted from the unit.
G. Health and Human Services Requirements. Mobile food vendors shall comply with the minimum public health and safety requirements determined by the State of Nebraska Department of Health.
H. It shall be unlawful for any person to engage in mobile vending as a mobile vendor on public or on private property within this City of Hickman and its extraterritorial zoning jurisdiction, without first obtaining all applicable state and municipal permits and licenses.
I. Prohibited Conduct. No mobile vendor shall:
    1) Vend on the public right-of-way within 150 feet of a licensed restaurant property line or 150 feet from a sidewalk patio, whichever is greater, unless the restaurant is closed for business or written approval has been issued by said restaurant or a Conditional use permit has been issued by the City.
    2) Operate a mobile vending unit within 300 feet of any sanctioned event held in the City of Hickman without obtaining permission from the event sponsor.
    3) Operate in or abutting a city park without proper permissions and permits from the City of Hickman and specific approval from Hickman City Council.
    4) Place any object that blocks the pedestrian pathway.
    5) Utilize signage in addition to what is already permanently displayed on the mobile food vending unit unless additional signage sandwich board signage is permitted through the Municipal Permit.
J. Operate without commercial license plates and registration.
K. Erect or construct structures or seats that are not removed when the mobile food vending unit is not in operation on the site.
L. Self Contained Food Trucks/Trailers and Utilities. No mobile food vending unit permit shall be issued unless the applicant is operating with a self-contained food truck or trailer, not relying on, or using other water or sewer services and operating in that manner. Food waste and grease must be disposed of in accordance with City of Hickman Municipal Code and other applicable laws. If operating on public right of way, no other utilities other than the food truck or trailer shall be used. If operating on private property, no utilities from off-site shall be used.
M. Mobility of Vending Unit. Mobile vending units must be operational as a licensed and registered mobile truck/vehicle, or a trailer pulled by another licensed and registered.

Section 11.18 Design Standards

11.18.01 Multi-family Residential and Commercial Development Minimum Design Standards

1. These standards are intended to apply to developments outside of the Corridor Overlay Zone or approved Planned Unit Development and focus on creating a cohesive development pattern for multi-family development that reflects local design themes and provides an inviting living area for residents.
    A. Multi-family developments in the CO Overly Zone shall utilize the CO Design Standards.
    B. Multi-family developments in an Approved PUD shall follow the standards for that development.
2. Standards
    A. Multi-family development should be located within High Density areas on the Future Land Use Map.
        1) Multi-family development should be generally located and set back from the corridor and local interchanges by at least 1320 feet.
        2) Multi-family development should be buffered and screened from the corridor with landscape or fencing materials.
        3) Landscape materials shall comply with Landscaping and Buffer regulations in this Ordinance.
        4) Fencing shall be of uniform design and materials for each subdivision adjacent to the corridor.

3. Open Area Standards
   A. A minimum of 30 percent of the gross development area within a subdivision plat or site plan shall be designated as open areas. The open areas shall be located to:
      1) Protect the types of areas identified in the Natural Features, Resources, and Sensitive Areas;
      2) Comply with local landscaping regulations; and
      3) Create courtyards or other internal configurations whenever possible.
   B. All groupings of 25 or more multi-family units shall have access to at least one the following amenities and all groupings of 50 or more multi-family units shall have access to at least two of the following amenities:
      1) A recreational facility, such as a tennis court, picnic area, or volleyball court.
      2) A swimming pool.
      3) A plaza area with benches focused on a water feature or work of art.
      4) Residential clubhouse space.
      5) Playground/play area.
4. Parking Design
   A. To minimize exterior surface parking, at least 40 percent of residential parking shall be in garages.
   B. Where detached garages are used, they shall be faced with the same mix and percentage of materials as the primary structure.
5. Building Design
   A. Massing and Articulation
      1) All multi-family buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Large multi-family structures shall provide changes in wall and roof planes in 50-foot intervals.
      2) Buildings shall be horizontally and vertically articulated at every two floors through the use of decorative banding, a change in siding material and/or color, or sloping roof planes.
      3) The façades of single-family attached townhouses or rowhouses shall be articulated and provided with different façades to differentiate individual units.
   B. Building Length
      1) The maximum length of any multi-family residential building shall not exceed 200 feet.
      2) No more than four single-family attached townhouses or rowhouses may be attached in a single row or building cluster.
   C. Four-Sided Design
      1) All sides of a building open to view by the public, whether from public or private property, shall display a similar level of quality and architectural interest.
   D. Windows
      1) All elevations on multi-family buildings shall contain windows.
      2) Windows shall be of a similar size, shape, and architectural character to those traditionally found in the neighborhood or community.
   E. Additional Standards
      1) Multifamily structures taller than two stories shall provide a gradual height transition by "stepping-down" to meet the approximate height of adjacent single-family homes or other structures of a lesser height.
      2) Exposed concrete foundations shall not be permitted where visible from the street unless architectural treatment is applied per the Design Guidelines.
      3) Roof forms and treatments shall be similar to those found on similar structures in the neighborhood or community.

11.18.02 Commercial and Mixed-Use Development Minimum Design Standards

1. These standards are applicable to areas outside of the Corridor Overlay and approved Planned Unit Development districts and focus on the development of commercial and mixed-use development at a scale that meets local needs with design elements that are geared to a human scale with a site balance between pedestrian and vehicle preferences.
2. Standards
   A. Preferred Location for Commercial and Mixed-Use development should be concentrated in areas designated as Commercial or Mixed Use on the Future Land Use Map. These uses shall

not be developed in a linear strip along frontage roads.

B. Building Design
   1) Exterior Building Materials
      a. Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; prefinished metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS.
      b. The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or prefinished standard corrugated metal siding; standard single- or double-tee concrete systems; or barrier type EIFS. The Zoning Administrator may permit the use of these materials, up to a total of 10 percent of any façade as an accent material.
      c. Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets public parks, trails, and adjacent residential areas.
      d. These guidelines are not intended to inhibit creativity and innovation in building design. The Zoning Administrator may permit the use of any building material if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence. Reference Design Guideline Booklet for additional guidance
         - A minimum of 75 percent of the primary building material from the permitted materials list shall be utilized in the exterior façade.
         - To promote visual diversity, all commercial units shall incorporate a minimum of three and maximum of five materials from the permitted materials list.

C. Pedestrian Scale Details. To promote a sense of human scale, special accent materials and design details shall be incorporated into all first-floor façades and paving areas abutting pedestrian walkways. Such features shall include, but are not limited to:
   1) Changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations.
   2) Special decorative wall patterns, textures, accent materials, or graphics;
   3) Reveals is the depth between the exterior wall and the window surface of window openings, either recessed or projected;
   4) Special architectural features marking pedestrian entries; and
   5) Display windows. – Darkly tinted and mirrored windows are prohibited as ground floor windows or doorways
   6) All pedestrian circulation design shall be ADA compliant
   7) The development and layout of internal street systems shall promote pedestrian linkage, accessibility, and interconnectivity among commercial uses within a development.
   8) All pedestrian walkways shall be designed to maximize access to commercial entryways, places of social interaction, parks, and parking areas.

D. Common Architectural Theme. All use, buildings, and areas in a commercial or mixed-use development shall share common architectural and landscaping themes, materials, and styles. Each commercial or mixed-use development shall create its own identity with unique design themes based on a palette of compatible rooftops, materials, and colors. Both pads and anchor stores shall incorporate all such thematic design, materials, landscaping, roof types, and colors.
   1) Primary commercial entryways are required to incorporate canopies, awnings, outdoor patios, arcades, display windows, and/or overhangs.
   2) All new commercial buildings shall be constructed with a base; middle; and top. Each component shall be articulated through horizontal and/or vertical articulation, which may consist of changes in the wall plane, use of openings and projections, material changes, and/or color variations.

E. Building Height. Structures shall not exceed the local height requirement. Where there is no local height requirement, all commercial units shall maintain existing scale of surrounding structures.

F. Building Orientation. The main or front façade of all commercial units shall orient to a public street.

3. Big Box Retail Standards
   A. Applicability. These standards are applicable to all single-story retail buildings containing 65,000 square feet or more of gross floor area.
   B. Façade Articulation. Each façade greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the building.
   C. Façade Design. Each building façade shall have a repeating pattern of at least three of the four instances and a minimum of one of those elements shall repeat horizontally at an interval of no more than 30 feet:
      1) Color change;
      2) Texture change;
      3) Material change; or
      4) Expression of an architectural or structural bay through a change in plane no less than 12 inches in width.
   D. Concealing Equipment. Each building shall have either (i) overhung eaves extending at least three feet past supporting walls, or (ii) parapets to conceal rooftop equipment from public view. If parapets are incorporated, they shall have an average height of no more than 15 percent of the supporting wall, a maximum height at any point equal to 33 percent of the height of the supporting wall, and three-dimensional cornice treatments.
   E. Customer Entrances. Each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:
      1) Canopies or porticoes;
      2) Overhangs;
      3) Recesses or projections;
      4) Arcades;
      5) Arches;
      6) Peaked roof forms;
      7) Outdoor patios;
      8) Display windows;
      9) Architectural tile work or moldings integrated into the building design; or
      10) Integrated planters or wing walls that incorporate landscaped areas or seating areas.
   F. Trash Receptacles screened from public view. Chain link is not acceptable.
   G. Parking Lot lighting – no light trespass allowed beyond the property line.

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Section 11.19 Adult Entertainment Establishments

PLEASE SEE THE OFFICIAL COPY OF THESE REGULATIONS AT CITY HALL FOR DETAILED INFORMATION ON THIS SECTION

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Section 11.20 Trailer, RV and Boat Storage Facility

The provisions of this section applies to the storage and of recreational vehicles within the City of Hickman.

1. Minimum lot size of the RV Storage facility shall be two acres.
2. Activities within the facility shall be limited to the rental of space for storage of recreational vehicles, trailers, boats, and other personal recreational equipment.
3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock, or other approved rock other than gravel.
4. All driveways into the facility shall provide a hard surface with a minimum length and width of 25 feet.
5. Site shall be screened and landscaped per this Ordinance.
6. No storage of Recreational Vehicles is allowed in the required Front yard.

Section 11.21 Outdoor Storage, Portable Storage, and Roll-off Trash Containers

11.21.01 Applicability

The provisions of this section shall apply to the location and duration of use of portable storage containers and roll-off trash containers on any property within the City of Hickman.

11.21.02 Definitions

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section. Where terms are not defined in this section, and are defined in other adopted ordinances, such terms shall have the meaning as ascribed to them as in those ordinances. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings as the context implies.

PORTABLE BULK STORAGE CONTAINER, DEVICE, POD, OR SIMILAR CONTAINER means any self-supporting container, usually metal or metal-framed, designed and used for the storage of personal or business property of a nonhazardous nature which is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.

ROLL-OFF TRASH CONTAINER means a large container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a "trash container" or "dumpster" that is stored in a more permanent manner on the property and is referenced or regulated by Sections 2-110 and 2-111 of the Hickman Municipal Code.

11.21.03 Condition and Maintenance

All portable storage containers and roll-off trash containers shall be delivered and maintained in sound condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures. It shall be the responsibility of the property owner or occupant and the supplying company to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this section.

1. Placement and Duration of Use
   A. TEMPORARY On all property zoned or used for residential, commercial, or industrial purposes, storage containers or roll-off trash containers may remain in use only so long as a valid building permit is in place for the property on which the container is placed. No separate permit is required so long as the use is indicated on the approved site plan or building permit for the project. When no building permit is in effect, a roll-off container may not be placed on a lot for more than 30 consecutive days and no more than 60 total calendar days in a one-year period, unless authorized in writing by the Zoning Administrator. In residentially zoned areas, the container must be placed on the driveway or other approved pavement and may not extend into the public right-of-way. Should existing site conditions not allowed for the placement of a portable storage container in full compliance with these provisions, exceptions may be considered and written approved granted on a case-by-case basis by the Zoning Administrator, after consultation with the Public Works Director.
   B. SEASONAL Storage containers may be temporarily located on property that is zoned for

commercial or industrial use for no more than three months within the same calendar year, provided that a building permit is issued for each such container. Containers cannot be vertically stacked and should not be placed in front of the principal structure but must be located at the side or rear of the structure to minimize any visual impact from abutting streets.

C. PERMANENT Storage containers may be permanently located in the TA Zone but limited to one container per 20 acres and on property zoned or used for industrial purposes provided that a Temporary permit is issued for the container, which must be properly anchored or tied down to resist lateral movement or overturning. If over 400 square feet, containers must be placed on a permanent foundation. Containers may not be permanently located in areas that are zoned commercial. Containers may not be placed in front of the principal structure, must observe all required setbacks, and may not be placed within any right-of-way, utility easement, or required landscape area. In industrial areas, such containers are exempt from the requirement to be clad in masonry material but must be located at the side or rear of the lot and painted in a muted color that complements the principal structure on the lot. If the lot is not already screened from abutting residential uses, opaque screening must be installed to at least screen the container from abutting residential use. Signs relating to the on-site business may not be permanently or temporarily attached to any container that will be permanently located on a site.

D. CONSTRUCTION Storage containers are permitted on construction sites with a valid a Building Permit issued by the City

E. NONCONFORMING USES Any portable on demand storage unit in existence as of the effective date of this Ordinance which is in violation hereof shall be deemed a nonconforming use. Such nonconforming uses shall not in any manner be enlarged, extended, or altered except that such uses may be changed so as to comply with the provisions of this Ordinance. Such uses as are deemed nonconforming uses pursuant to the terms of this Ordinance shall be permitted to continue unless such use is terminated for any reason whatsoever, thereafter such nonconforming use shall terminate or come into compliance with the terms of this Section.

Section 11.22 Outdoor Storage Container(s) in the Industrial District

The following regulations shall apply to this Section:

1. Outdoor storage containers within allowed district shall be limited to two containers per business.
2. Containers shall be located to the rear 50 percent of the site.
   A. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area.
   B. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic or access to emergency, snow removal, and circulation and fire lanes.
   C. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.
3. Storage containers should not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered.
   A. Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business.
   B. Enhanced fencing, landscaping, buffering and/or architectural treatments shall be required for visible containers.
   C. Buffering may include the use of decorative design features including painting, murals, etc.
4. The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained such that they are consistent with the character of adjacent buildings and secured at all times.
5. Conditional use permit, if required, for storage containers shall be allowed for one year.
   A. Renewals are subject to Planning Commission and Council approval.
   B. Storage containers must be removed no later than five working days after the expiration of the permit.

6. Exemptions. The temporary use of construction trailers or storage containers at a building site is exempt from this requirement. Recycling containers authorized by the City of Hickman are exempt from these regulations.

Section 11.23 Private Infrastructure Improvements

1. Irrigation Wells
   A. New irrigation wells shall be set back at least 30 feet from the right-of-way of any established road.
   B. At any intersection of county, state, or federal roads and highways, such wells must be located at least 70 feet from the nearest intersection of the established rights-of-way.

Section 11.24 Dwelling Unit, Special Types

This section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Hickman.

11.24.01 Tiny Houses

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

Site Built Tiny Houses

1. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area;
2. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
3. Habitable rooms shall not be less than seven feet in any horizontal dimension;
4. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
5. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
6. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
7. Tiny homes shall have a kitchen area and sink;
8. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
9. All electrical shall be in compliance with all local, state and/or federal electrical codes;
10. The unit shall meet all egress requirements found in local, state, and/or federal codes;
11. All foundations shall meet local, state, and/or federal building codes;
12. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
13. No Site Built Tiny House shall be constructed in any floodplain.

RV/Park Model/Camper

1. The unit shall be constructed upon a single chassis;
2. The unit shall have 400 sf or less when measured at the largest horizontal projections;
3. The unit shall be self-propelled or permanently towable by a light duty truck;
4. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter;
5. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes;
6. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source;
7. The wheels and axles shall remain on the unit at all times;
8. Accessory structures shall not be supported by these units;
9. No RV/Park Model/Camper shall be constructed in any floodplain.

Tiny House Villages/Communities

Tiny house villages/communities may be allowed in identified areas and shall be designed using the PDO-Planned Development Overlay process within this Regulation.

11.24.02 Grain Bin Homes

Any residential structure meeting the definition of a grain bin home shall meet the following criteria:

1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Grain bin homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

11.24.03 Cargo Container Homes

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Multiple containers shall be structurally and permanently attached to each other;
3. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Cargo container homes shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;

16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. No Cargo Container Homes shall be constructed in any floodplain.

11.24.04 Treehouse Homes

Any residential structure meeting the definition of a treehouse home shall meet the following criteria:

1. Treehouse homes shall only be permitted as an accessory use to a primary structure;
2. Treehouse homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways;
7. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
8. All electrical shall be in compliance with all local, state and/or federal electrical codes;
9. The unit shall meet all egress requirements found in local, state, and/or federal codes;
10. All treehouse homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and sealed by a structural engineer.

11.24.05 Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Quonset homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

11.24.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no

longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

Section 11.25 Short-term Rentals

This section is intended to apply strictly to the use of property for short-term rentals within the incorporated and unincorporated areas of Hickman.

1. Performance Standards
   A. Said short-term rental shall be located in a primary residential structure.
   B. Said short-term rental shall not be allowed in any dwelling considered part of a multi-family dwelling including duplexes, single-family attached units or larger.
   C. Said short-term rental shall not be located in an accessory dwelling unit.
   D. Said short-term rental shall not allow the property to be used for party rentals.
   E. Said short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
   F. Said short-term rental shall file the required lodging taxes with the county and state.
   G. Said short-term rental shall be properly maintained including structural maintenance and the grounds.
   H. Said short-term rental shall meet all state and federal life safety codes and display said permits in a prominent location.
   I. Said short-term rental shall not increase the normal level of traffic in the immediate area.
   J. Said short-term rental shall not be used for any of the following:
      1) Housing sex offenders;
      2) Operating a structured sober living home or similar enterprise;
      3) Selling illegal drugs;
      4) Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or
      5) Operating a sexually oriented business.

2. Remedies

Failure to comply with the regulations in Section 11.25 (1) , may result in any permit for a short-term rental to be revoked.

Section 11.26 Accessory Dwelling Units

One accessory dwelling unit per lot may be allowed by Conditional Use Permit in the indicated zoning districts in Section 5.07 under the following conditions:

1. The accessory dwelling unit shall fit within the allowable development area of the lot.
2. The total gross square footage of the ADU shall not exceed the lesser of 1,000 square feet or 40 percent of the square footage of the principal dwelling, excluding the garages, carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.
3. No more than two bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
4. The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Register of Deeds, a deed restriction agreement on the property stating the accessory dwelling cannot be sold separately from the principal dwelling. The deed restriction agreement must be to the satisfaction of the City Attorney. The deed restriction agreement shall be filed prior to any zoning permit for the ADU.
5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

ARTICLE 12: LANDSCAPING REQUIREMENTS

Section 12.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Hickman by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with then provisions of this section.

1. Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

Section 12.02 Application and Scope

1. The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:
   A. Agricultural buildings, structures and uses.
   B. Replacement of lawfully existing structures or uses.
   C. Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking of less than 4,000 square feet shall not be excepted. Where such enlargement is greater than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
2. Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
3. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City Council with the recommendation of the City Planning Commission.

Section 12.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

1. Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section except for Plant Material and Maintenance.
2. Street Frontage:
   A. A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.
   B. The required landscaped are 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
   C. Exclusive of driveways and sidewalks not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal, or artificial turf.
   D. A minimum of one tree shall be planted for every 40 lineal feet of street frontage or fraction thereof.
3. Side Yard:
   A. A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.
   B. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal, or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
   C. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with

the plant materials.

D. A solid wood and/or masonry fence or wall six feet in height may be used in lieu of or in combination with the plant materials required, provided that such fence is at least five feet from the property line.

4. Rear Yard:
   A. A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District.
   B. The landscape requirements for the rear yard shall be the same as for the side yard

Section 12.04 Off-Site Parking Lots

Landscape and Screening Requirements Areas 6,000 Square Feet and Up. Unless otherwise noted, each unenclosed parking area 6,000 square feet and larger shall comply with the following regulations:

1. Each unenclosed parking area shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking area that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
3. Any parking area, which abuts property in a residential district, shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
4. Each unenclosed parking area of over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking area. Parking facilities within the I-1 and I-2 Districts shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article 9.
6. Landscaping or screening installed in any required landscaped area shall not obstruct the view from or form the off-street parking area to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

Section 12.05 Parking Area Interior Landscaping

1. Off-street parking lots and other vehicular use areas shall have at least 10 square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.
2. The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.

Section 12.06 Perimeter Landscaping

1. All commercial and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include one tree for each 40 lineal feet of street frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the Planning Commission and City Council.

Section 12.07 Plant Materials

1. Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.
2. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.

Section 12.08 Size

The minimum size of plant materials to be installed shall be as follows:

1. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
2. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
3. Evergreen (conifer) trees shall have a minimum height of three feet.
4. Deciduous shrubs shall have a minimum height of 18 inches.
5. Evergreen shrubs shall have a minimum spread of 18 inches.

Section 12.09 Planting Schedule

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Hickman equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping with the provided surety.

Section 12.10 Required Plans

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Hickman for review and approval. A digital file and two hard copies of the plan shall be submitted. The plan shall include, but not be limited to, the following:

1. Property lines and other physical features necessary to show the proposed installation of plants.
2. The location and spacing of plant materials.
3. The scientific name, common name, plant size, quantity, and planting method.
4. The plan shall have a scale of not more than one inch equals 100 feet.
5. When necessary, existing, and proposed contours shall be provided.

Section 12.11 Screening Requirements

All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet. All commercial and industrial uses that abut residential or commercial districts shall provide screening not less than six feet in height along the abutting property line(s). Screening required by this section shall be equivalent to the following:

1. Solid fences or walls as approved by the Planning Commission on the final development plan.
2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
3. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described above.
4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid enclosure six-foot in height around each unit with a gate screening all sides. Said enclosure shall be of complementary materials suitable to the Planning Commission.

Section 12.12 Installation and Maintenance of Landscaping and Screening

1. Installation:
   A. All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures.
   B. Landscaped areas shall require protection from vehicular encroachment.
   C. The Chief Building Official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.
   D. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Chief Building Official.

2. Maintenance:
   A. The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in proper condition. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance to those items requiring replacement.
   B. Underground sprinkler systems shall be provided to serve all landscaped areas except individual one- and two-family dwellings unless an equivalent watering system is approved by the Planning Commission.
   C. All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat, and orderly appearance.
   D. Lawn grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

Section 12.13 Preliminary Plan Approval

1. A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, zone change, or preliminary site plan for development, for review and recommendation by the Planning Commission and approval by the City Council.
2. Said Plan shall be in sufficient detail to provide the Commission and City Council with a reasonable understanding of what is being proposed.
3. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

Section 12.14 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the Planning Commission on separate sheets for review and recommendation and approval by the City Council along with a planting schedule at final development plan submission.

Section 12.15 Parking Lot Plan Approval

A final site development plan shall be submitted to the Planning Commission with the requisite landscaping and screening required herein for each of the following types of parking lot improvements:

1. New construction.
2. Expansion of existing facilities.
3. Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
4. No parking lot shall be exempted from these regulations; unless previously exempted.

Section 12.16 Outdoor Lighting

12.16.01 Purpose

These regulations are intended to provide specific standards for lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination, indirect lighting, and illumination of adjacent properties, and to reduce glare.

12.16.02 Applicability

1. Except as herein provided, these regulations shall apply to any outdoor lighting fixtures installed, modified, refurbished, repaired, or serviced within the City of Hickman.
2. All businesses, and community roadways, sidewalks and City property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting lots or roadways, both public and private.

12.16.03 Standards

1. All exterior lights and sign illumination shall be designed, located, installed, and directed in such a manner as to:
   A. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
   B. Be shielded (full cut off);
   C. Employ soft, transitional light levels which are consistent from area to area;
   D. Minimize contrast between light sources, lit areas, and dark surroundings; and
   E. Be confined within the target area.
2. In all nonresidential districts and in all areas adjacent to a residential lot, no externally mounted direct light source shall be visible at the lot line at ground level or above. The illumination measured at the lot line shall be zero (0.0) foot-candles, excluding driveway entrances.
3. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
4. Lighting shall include timers, dimmers and/or sensors to reduce unnecessary light level during nonbusiness hours to a minimum level required for overnight security.
5. The height of luminaries, except streetlights in public rights-of-way, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 15 feet. The height of a luminaire shall be measured from the finished grade (not the top of a supporting concrete base) to the top of the luminaire.
6. Light standards within a parking lot shall be located within landscaped islands or buffer strips and shall be set back two feet from any parking space unless wheel-stops are provided.
7. In reviewing and approving outdoor lighting, the Planning Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.
8. The use of utility poles for outdoor lighting is prohibited.
9. Any light determined by the Zoning Administrator to be obtrusive, spill light, upward lighting, light trespass, or otherwise not in compliance with these regulations shall constitute a violation.
10. A photometric survey shall be submitted as part of any site plan that demonstrates compliance with these standards. Such photometric survey shall show both business hour and nonbusiness hour lighting plans.

Figure 12.1 Lighting / Illumination Diagrams

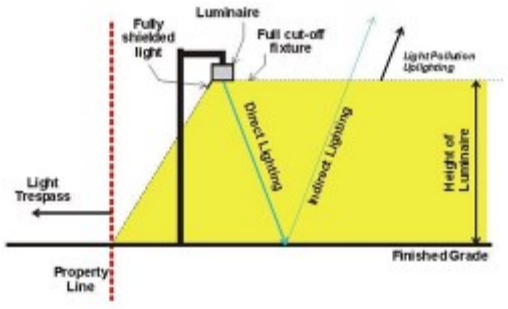
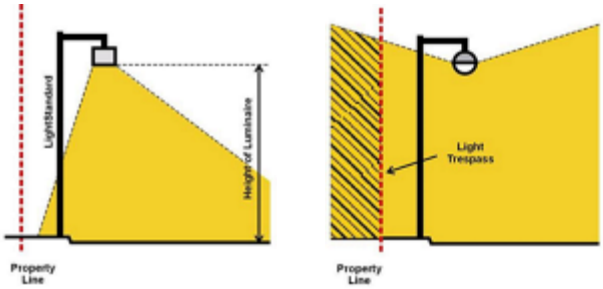


Figure 12.2 Lighting / Illumination Diagrams



12.16.04 Exemptions and Modifications

The Planning Commission may relax the lighting standards, by Conditional Use Permit, allow lighting that does not comply with the requirements of this section provided the Planning Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations. The following considerations are provided as guidance:

1. That and extraordinary need for security exists because of a history of vandalism or other objective means exists;
2. That in traveled ways or areas, conditions hazardous to the public exists, such as steep embankments or stairs;
3. That it would be unreasonable to require replacement of an entire lighting installation because a minor change is proposed to an existing nonconforming lighting installation;
4. Special lighting is indicated for historic buildings;
5. That ornamental up-lighting of sculpture, buildings or landscape features end enhance the character of the area; and
6. Such lighting is necessary for special outdoor events and playing fields.

ARTICLE 13: SITE PLAN REVIEW

Section 13.01 Purpose

The purpose of this article is as follows:

1. To establish rules and procedures for the orderly planning and development of commercial sites and residential sites involving more than two dwelling units;
2. To provide for a permit, separate and distinct from the building permit, so that site issues such as drainage, driveways, access, utilities, and internal circulation may be resolved without the need for the preparation and review of detailed architectural plans;
3. To permit site preparation and drainage improvements without imposing the expense and time burden required for a full building permit;
4. To permit the planning of a phased site development without imposing the expense and time burden required for the preparation and review of complete architectural plans for all phases of the development;
5. To provide development applicants a site development permit to help expedite and enhance success and marketability of the project;
6. To provide city staff with procedures for the review and approval of site development;
7. To enhance the ability of a developer to obtain financing for a development project;
8. To maintain consistency with other area jurisdictions; and
9. To simplify and expedite the building permit process.

Section 13.02 Applicability and Site Development Permit Required

Any person who develops, or causes to be developed, property located within the planning jurisdiction of the City shall comply with this Chapter. Within the city corporate limits, the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with the code of ordinances of the City. Property for which a site development permit has been issued shall be developed in compliance with the approved site plan. The following are **exceptions** to the applicability of this Section:

1. Construction, alteration, or addition to a single-family or two-family residential structure, or an accessory building to any such structure.
2. Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as one of the following applies:
   A. The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;
   B. The alteration, finish-out or change of use is in compliance with all applicable codes and regulations of the city; and
   C. The proposal does not increase the degree of any existing nonconforming use or nonconforming structure.
3. Construction of a fence, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.
4. Substantial restoration that is commenced within a period of one year of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
5. A canopy or carport placed over existing parking spaces or other paved area.
6. Any other minor site activity similar to those listed above and eligible for a minor site development permit approved by the Planning Department prior to beginning such site activity or work.

Section 13.03 Site Plan Review Procedure

1. Procedure.
   The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Hickman Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

2. Administration.
   The Zoning Administrator shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment. In all cases, the authority of the Board of Adjustment is governed by Nebraska Revised Statues §19-910, which sets standards for its conduct, procedures, and establishes specific criteria to which each judgment must conform.

Section 13.04 Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan Review procedure prior to the issuance of a building permit for a new or substantially improved building unless they are otherwise subject to a Conditional Use Permit or Zone Change procedure for specific zoning districts.

1. Multiple Family Developments
2. Places of Assembly
3. Education Facilities
4. Any use including drive-thru services
5. All commercial, industrial, office, or civic
6. Any industrial use adjacent to a residential zoning district
7. Any new development or redevelopment of properties within the identified Corridor Overlay District or Downtown Overlay District.

Section 13.05 Application Requirements

1. An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Zoning Administrator.
2. The application shall include the following information:
   A. Name, address and contact information of the applicant.
   B. Owner, address, and legal description of the property.
   C. A description of the nature and operating characteristics of the proposed use.
   D. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
      1) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
      2) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
      3) The location, size, and use of proposed and existing structures on the site.
      4) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
      5) Location of any major site feature, including drainage and contours at no greater than five foot intervals.
      6) Any other information that may be required for review by the Zoning Administrator

Section 13.06 Administrative Action and Appeal

The Zoning Administrator must act upon each complete application within 30 days of application. An applicant may appeal a denial to the Board of Adjustment within 10 days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

Section 13.07 Review and Evaluation

1. The Zoning Administrator (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 13.1 and conformance with applicable regulations in this Zoning Ordinance.
2. The Zoning Administrator (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:
   A. The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 13.1.
   B. Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
   C. The site plan conforms to the Zoning Ordinance.

Section 13.08 Modification of Site Plan

The Zoning Administrator (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

Section 13.09 Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit there is significant completion of the building permit prior to the expiration of the site plan.
2. The Zoning Administrator may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 13.1.

Section 13.10 Revocation

The Zoning Administrator may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Due to the condition of the building permit approval being contingent on Site Plan approval, then both the site plan and the building permit can be revoked until such time as the presented issues are remedied to the satisfaction of the City. Such revocation may be appealed to the Board of Adjustment.

Section 13.11 Approval to Run with Land

An approval pursuant to the article shall run with the land until the expiration date or such approval.

Table 13.1 Site Development Criteria

	Criteria	Check One:	
		Meets Criteria	Does Not Meet Criteria
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.		
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.		
Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.		
Site Development			
Frontage	Project frontage along a street should be similar to width		
Sidewalks	Sidewalks a minimum five feet in width should run parallel to all street frontages.		
Parking and Internal Circulation See Article 10 Parking	Parking should serve all structures with minimal conflicts between pedestrians and vehicles		
	All structures must be accessible to public safety vehicles		
	Development must have access to adjacent public streets and rights-of-way.		
	Internal circulation should minimize conflicts and congestion at public access points.		
Landscape or Fence for Screening	Landscape or fence screening should be integral to the development, provide street landscaping, breaks in uninterrupted paved areas, fences and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.		
Building Design			
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.		
External Traffic Effects	Project design should direct nonresidential traffic away from residential areas.		
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.		
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.		
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.		
	Sanitary sewer must have adequate capacity to serve development		
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.		
	Development should not inhibit development of other properties.		
	Storm Water management must have adequate capacity to serve development		
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.		
Utilities	Project must be served by utilities		
	Utilities must have adequate capacity to serve development		
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.		
Comprehensive Plan			
Comprehensive Plan	Projects should be consistent with the City of Hickman Comprehensive Plan.		

ARTICLE 14: BOARD OF ADJUSTMENT

Section 14.01 Members, Terms and Meetings

Pursuant to Neb. Rev. Stat. §19-908 (R.R.S. 1997): The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in their immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in their absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 14.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Neb. Rev. Stat. §19-909: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 14.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; and
2. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the

property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

1. The strict application of the Ordinance would produce undue hardship; and
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 14.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Neb. Rev. Stat. §19-912.

ARTICLE 15: AMENDMENTS AND APPLICATION PROCESS

Section 15.01 Purpose

The Amendment Article describes the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

Section 15.02 Initiation of Amendments

1. Text Amendments

Text amendments may be initiated by an applicant, the Planning Commission, or the City Council.

2. Map amendments

Map amendments nay be initiated by a property owner or authorized agent, the Planning Commission, or the City Council

Section 15.03 Amendment Application Requirements

An application for a Rezoning may be filed by the owner(s) of a property or the owners' authorized agent with the Planning Commission. The application must be filed, and all plans must be submitted, at least 14 days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Planning Commission to be necessary to describe the proposed use to approving agencies. The site plan, should be drawn to scale sufficient to permit adequate review and dimensioned as necessary, showing at least the following information:
   A. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
   B. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
   C. The location, size, and use of proposed and existing structures on the site.
   D. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
   E. Location of any major site feature, including drainage and contours at no greater than five-foot intervals.

Section 15.04 Amendment Procedures

Regulations, restrictions, and boundaries authorized to be created pursuant to Neb. Rev. Stat. §§ 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed.

1. Public Hearing.
   The Planning Commission and City Council shall each hold a public hearing on any proposed amendment. The Public Hearings shall be held at a reasonable hour and place for such public hearing, and they shall hold said hearings at the next regular meeting after proper notification of adjacent property owners.

2. Planning Commission Review
   No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

3. Notice of Hearings.
   Public notice of hearing on a proposed amendment shall be published once in the official City newspaper and at least ten days shall elapse between the date of publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions or the zoning classification or zoning district boundaries of the property.

   The provisions of Neb. Rev. Stat. §19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1-1/2 inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

   If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.

   At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least 10 days prior to such hearing.

4. Protests.
   In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet there from, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the legislative body of such municipality.

   The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of Neb. Rev. Stat. §19-904 shall be applicable.

Section 15.05 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator as appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance.

Section 15.06 Zoning Permits

The following shall apply to all new construction and all applicable renovations and remodels within Hickman's Zoning Jurisdiction:

1. It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Administrator has issued a zoning permit for such work.
2. Issuance of a zoning permit. In applying to the Zoning Administrator for a zoning permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and

height and location of all buildings to be erected, altered or moved and of any building already on the lot. They shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Zoning Administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Zoning Administrator shall issue a zoning permit for such excavation or construction. If a zoning permit is refused, the Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Zoning Administrator shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 15.07 Certificate of Zoning Compliance

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Chief Building Inspector shall have issued a certificate of zoning compliance stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Chief Building Inspector to make a final inspection thereof and to issue a Certificate of Zoning Compliance if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 15.08 Penalties

Pursuant to Neb. Rev. Stat. §19-913, the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Section 15.09 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Neb. Rev. Stat. §§19-901 to 19-914, or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 16: LEGAL STATUS PROVISIONS

Section 16.01 Severability

Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 16.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 16.03 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 16.04 Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Hickman, Nebraska,

This _____day of _____, 2023.

(Seal)

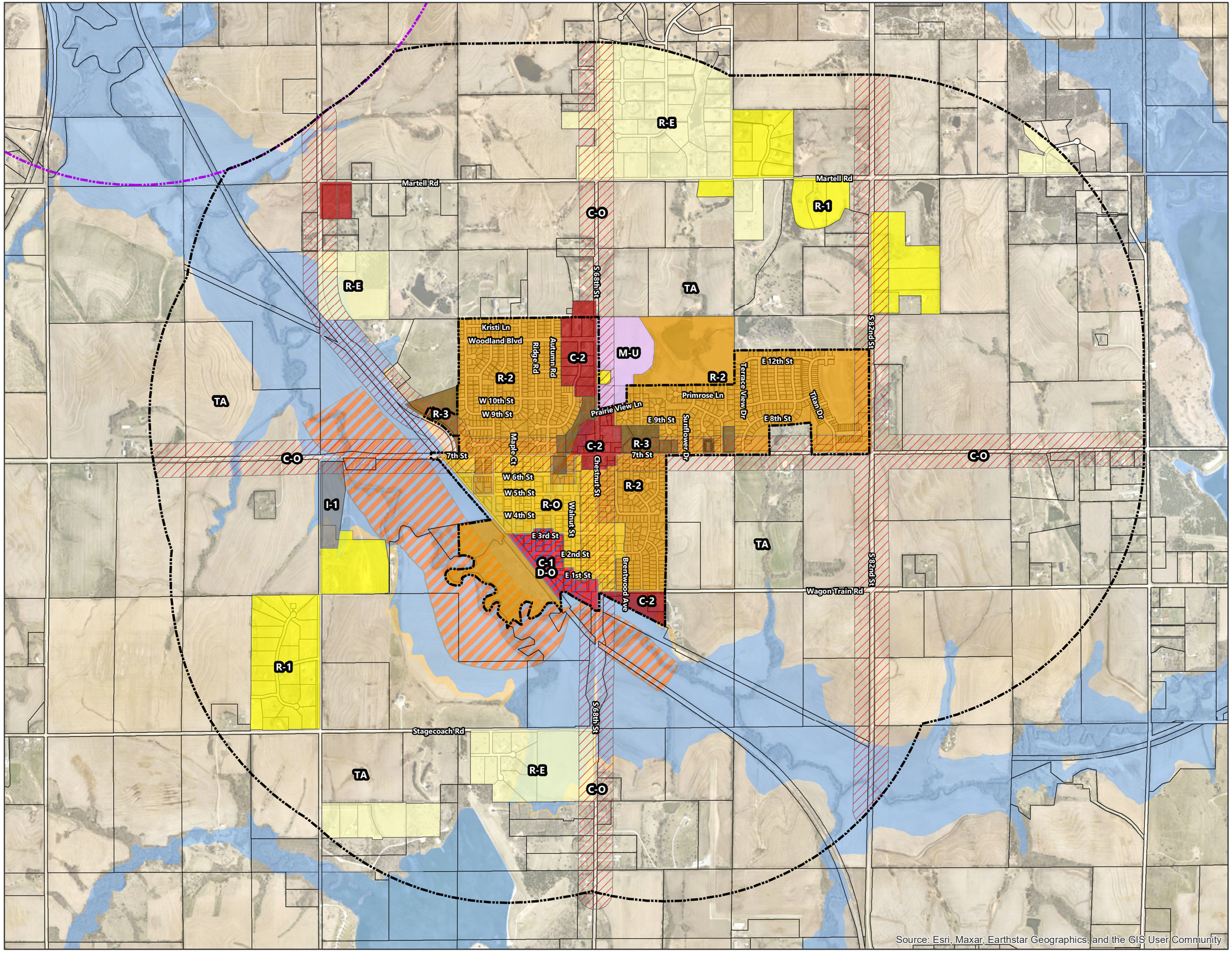
ATTEST:

City Clerk Mayor

HICKMAN, NEBRASKA

ZONING REGULATIONS

ZONING MAP



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LEGEND

- Hickman 1-Mile ETJ
- Roca 1-Mile ETJ
- City Limits

Zoning District

- Transitional Agriculture (TA)
- Residential Estates (R-E)
- Low Density Residential (R-1)
- Original Residential District (R-O)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Mixed Use (M-U)
- Central Business District (C-1)
- General Commercial District (C-2)
- Corridor Overlay District (C-O)
- Downtown Overlay District (D-O)
- Light Industrial (I-1)
- Parcels

Floodplain Overlay District (FP-O)

- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Floodway

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION __ OF ORDINANCE NO. _____ OF THE CITY OF HICKMAN, LANCASTER COUNTY, NEBRASKA. THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES ANY OR ALL OTHER OFFICIAL ZONING MAPS ADOPTED PRIOR TO THIS DATE. ADOPTED ON THIS 13TH DAY OF MAY, 2023.

_____ _____

MAYOR ATTESTED: CITY CLERK

REVISION DATE	ORDINANCE NO.	SIGNATURE	REVISION DATE	ORDINANCE NO.	SIGNATURE

MARVIN PLANNING CONSULTANTS

PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 08.16.23

N

0 0.125 0.25 0.5 Miles

B&R STORES, INC.

August 16, 2023

City of Hickman, Nebraska
Attn: Kelly Oelke, City Administrator
PO Box 127
Hickman Nebraska 68372

Re: Letter of Intent for Potential Mixed-use Development in Hickman, Nebraska

Dear Kelly:

B & R Stores, Inc. ("Developer") has entered into a purchase agreement with Wizkidz, LLC ("Seller") to purchase certain real property adjacent to the City of Hickman, Nebraska ("City") identified and legally described on the attached and incorporated Exhibit A (the "Property"). Developer's obligations to purchase the property Pursuant to purchase agreement are contingent upon Developer obtaining all the necessary approvals and entitlements from the City.

This Letter of Intent ("LOI") summarizes the basic conditions which are necessary in order for B & R Stores, Inc. ("Developer") is willing to develop the project described herein.

Proposed Development

Developer desires to develop the Property into a mixed-use development consisting of the following potential uses:

a. Approximately 25.8 acres of commercial/multifamily uses, including a grocery store, compatible commercial/retail uses, and affordable housing.

b. Approximately 10.4 acres of single family residential.

c. Approximately 39.5 acres that would not be developed and could be used by the City as public recreational area.

(the "Project"). A preliminary concept plan for the Project on the Property is set forth on the attached and incorporated Exhibit B. The plan set forth in this Exhibit B is preliminary in nature and subject to revision.

Developer's acquisition of the Property is contingent upon Developer obtaining the necessary land use and related governmental approvals from the City to make the Project feasible. Said required governmental approvals include:

a. Preliminary Plat and Comprehensive Plan amendment.

b. Change of zone to allow the intended uses.

c. Annexation of the Property into the corporate limits of the City of Hickman to allow the extension of public utilities and services to the Property.

d. Designation of the Property as blighted and substandard to allow the use of tax increment financing.

e. Approval of a redevelopment plan and redevelopment agreement to authorize the use of tax increment financing.

f. Conveyance of the non-buildable area to the City for use as public recreational space or other City use.

Proposed City Actions

In order for Developer to complete its due diligence for the purchase agreement and determine if the project is feasible, the Developer has presented the following land use approvals and entitlements that need to occur in order for the Project to be feasible:

1. **Preliminary Plat and Land Use Designations**. In order to facilitate the timing of the Project, the City agrees to proceed with the subdivision approval process as a "limited" preliminary replat. The preliminary plat review and approval would be as follows:

a. Developer would submit a limited preliminary plat that would consist of a site plan with all of the associated uses for the commercial area, show the multi-family area and desired density (dwelling units) of that area, and then show the street & lot network for the remaining single-family area (the "Limited Plat").

b. Subject to the required public hearings at the planning commission and city council, the City is willing to approve the Limited Plat as the preliminary plat with the condition that the Developer must subsequently submit all the waived standards for the preliminary plat prior to the City Engineer for approval prior to the commencement of any construction or final platting of the Project. The Limited Plat would specifically seek a temporary waiver to the following sections of the Preliminary Plat Specifications: Item 3.03.02 & 3.03.12, to show the existing and proposed grades, Item 3.03.16, to submit the sediment and erosion control plan and Item 3.03.22, to submit the sanitary sewer plans, preliminary drainage study and street profile plans.

c. The benefit of this approach is to ensure that the Developer receives the basic approvals for the proposed platting and layout in a timely manner to close on the Property and continue moving forward with the Project, while still ensuring that all of the subdivision requirements of the City are satisfied prior to development and construction.

2. **Change of Zone**. The Future Land Use Map in the Comprehensive Plan of the City of Hickman, as shown on the attached Exhibit C, shows the future use of the Property as a combination of Mixed-Use, Medium-Density Residential, and Parks and Recreational uses generally aligning with the site plan set forth in Exhibit B. Subject to the required public hearings at the planning commission and city council, the City will seek to align the future land use map with the Project, if necessary, and to change the zoning in order to facilitate the development of the Project as a combination of commercial, multi-family residential, low-density residential, and public park, as generally set forth herein, which is generally in accordance with the Comprehensive Plan for the City.

3. **Annexation**. In order for the Project to be feasible, the Property must be annexed into the City so that: (1) the Property can be served by public utilities and public services, and (2) development of the Property may be eligible for the use of tax increment financing. Subject to all statutory requirements, the City desires to annex the Property for the Project and can provide services to support the Project. The City agrees to hold special meetings for the readings of the annexation ordinance, if necessary, to facilitate the schedule for the overall governmental approvals.

4. **Tax Increment Financing**. Developer acknowledges that the Property is not with the area that has been declared blighted and substandard. Developer engaged Hanna:Keelan to prepare a blight and substandard study for a to-be-determined study area within the City that would include the Property ("Study"). A copy of the Study is attached hereto as Exhibit D. The City is open to the use of TIF for the Project assuming the Property and the Project satisfy all the requirements necessary under the Nebraska Community Development Law. The City agrees to hold public hearings on the proposed blighted and substandard designation based on the Study. If the area is declared blighted and substandard, the City agrees to prepare a Redevelopment Plan and hold public hearings to consider the Redevelopment Plan and a Redevelopment Agreement to authorize the use of TIF for the Project.

5. **City acquisition of a portion of the Property**. Subject to subdivision and replatting, Developer shall convey the approximately 39.5 acres designated as "Nonbuildable Area" on Exhibit B ("Park Area") to the City for use as a public recreational area, or any other use determined by the City. The Park Area would be conveyed subject to the existing NRD restrictions and any easements necessary for the Project. The exact terms and conditions would be negotiated and included in the Redevelopment Agreement between the Developer and the City.

(Signature page follows)

This LOI is not a binding agreement between the City and Developer but is merely a general statement of the Parties' present intent which sets forth the general basis for the Project.

Sincerely,

Developer:

B & R Stores, Inc.

By: Jane Raybould, VP
Jane Raybould, Vice President

ACCEPTED AND AGREED TO BY:

City:

City of Hickman, Nebraska

By: _____
Name: _____
Title: _____

Exhibit A
The Property

The Property is identified as Parcel ID 1527300003000 and described as follows:

> Lot Fifty-One (51), Irregular Tract in the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section Twenty-Seven (27), Township Eight (8) North, Range Seven (7) East of the 6th P.M., Lancaster County, Nebraska, except for approximately 1.6 acres in the Southwest corner of the Property retained by Seller.

The Property is depicted below:

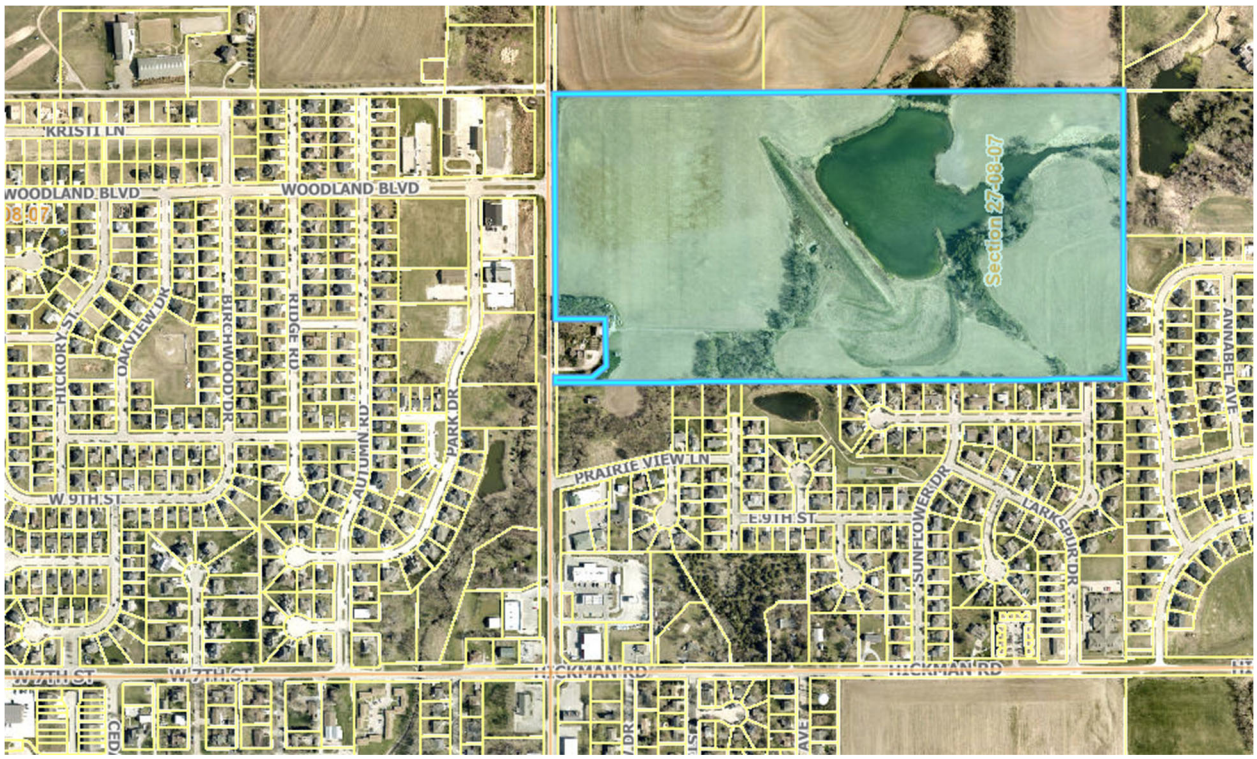
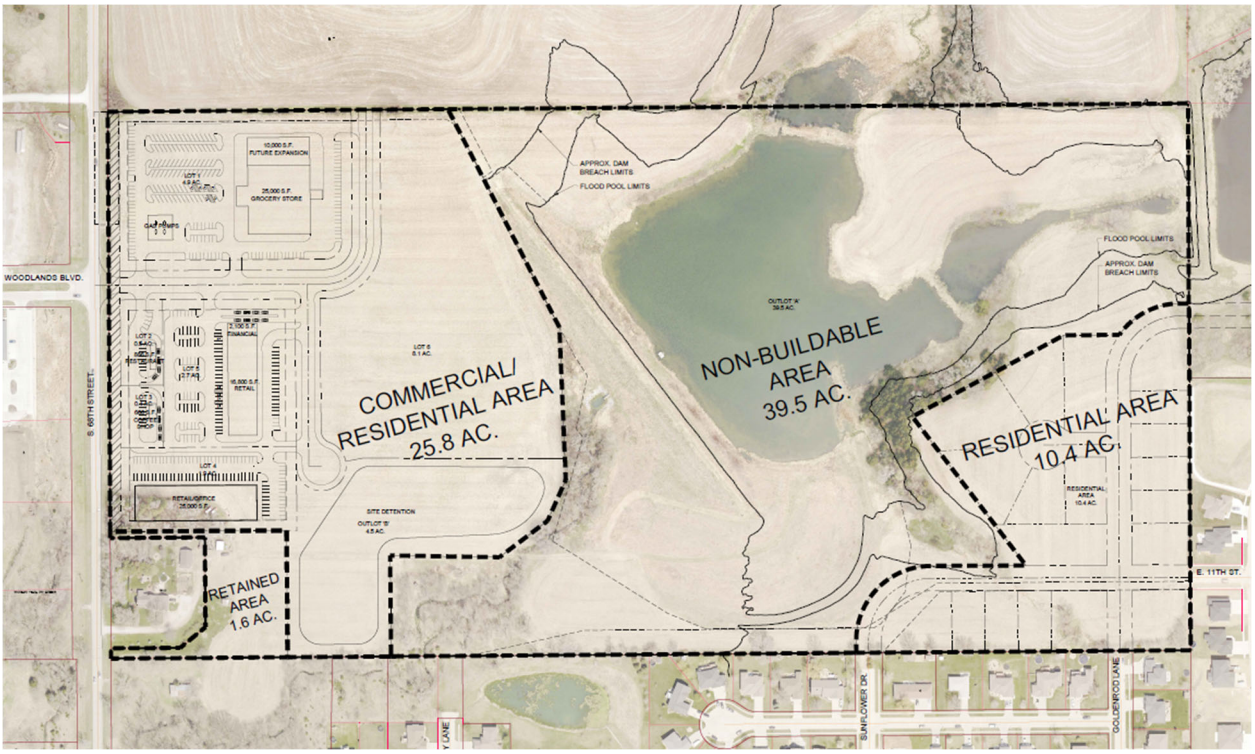


Exhibit B
Preliminary Concept Plan



The plan set forth in this Exhibit B is preliminary in nature and subject to revision.

Exhibit C
Future Land Use Map

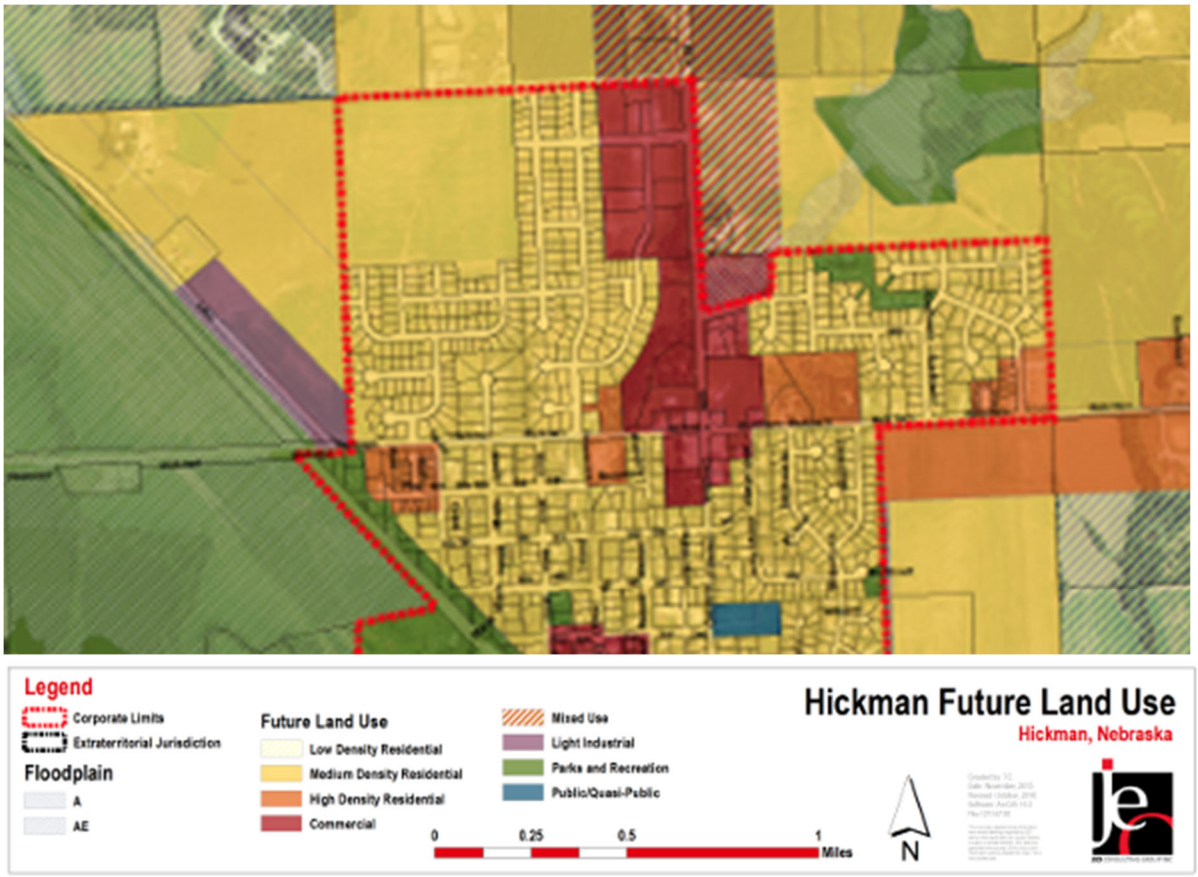


Exhibit D
Blight and Substandard Study

(attached)

4895-1032-0759, v. 2

City of Hickman, Nebraska.

Blight & Substandard Determination Study.

Redevelopment Area #2.

June, 2023.





HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH

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HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH

*COMPREHENSIVE PLANS & ZONING * HOUSING STUDIES **
*DOWNTOWN, NEIGHBORHOOD & REDEVELOPMENT PLANNING **
*CONSULTANTS FOR AFFORDABLE HOUSING DEVELOPMENTS**

Lincoln, Nebraska 402.464.5383 *

*Becky Hanna, Tim Keelan, Keith Carl & Ember Batelaan**

BLIGHT & SUBSTANDARD DETERMINATION STUDY

EXECUTIVE SUMMARY

Purpose of Study

The purpose of this **Blight and Substandard Determination Study** is to apply the criteria set forth in the **Nebraska Community Development Law, Section 18-2103**, to the designated **Redevelopment Area** in the City of Hickman, Nebraska. The results of this **Study** will assist the City in declaring **Redevelopment Area #2** as both **blighted and substandard**.

Location

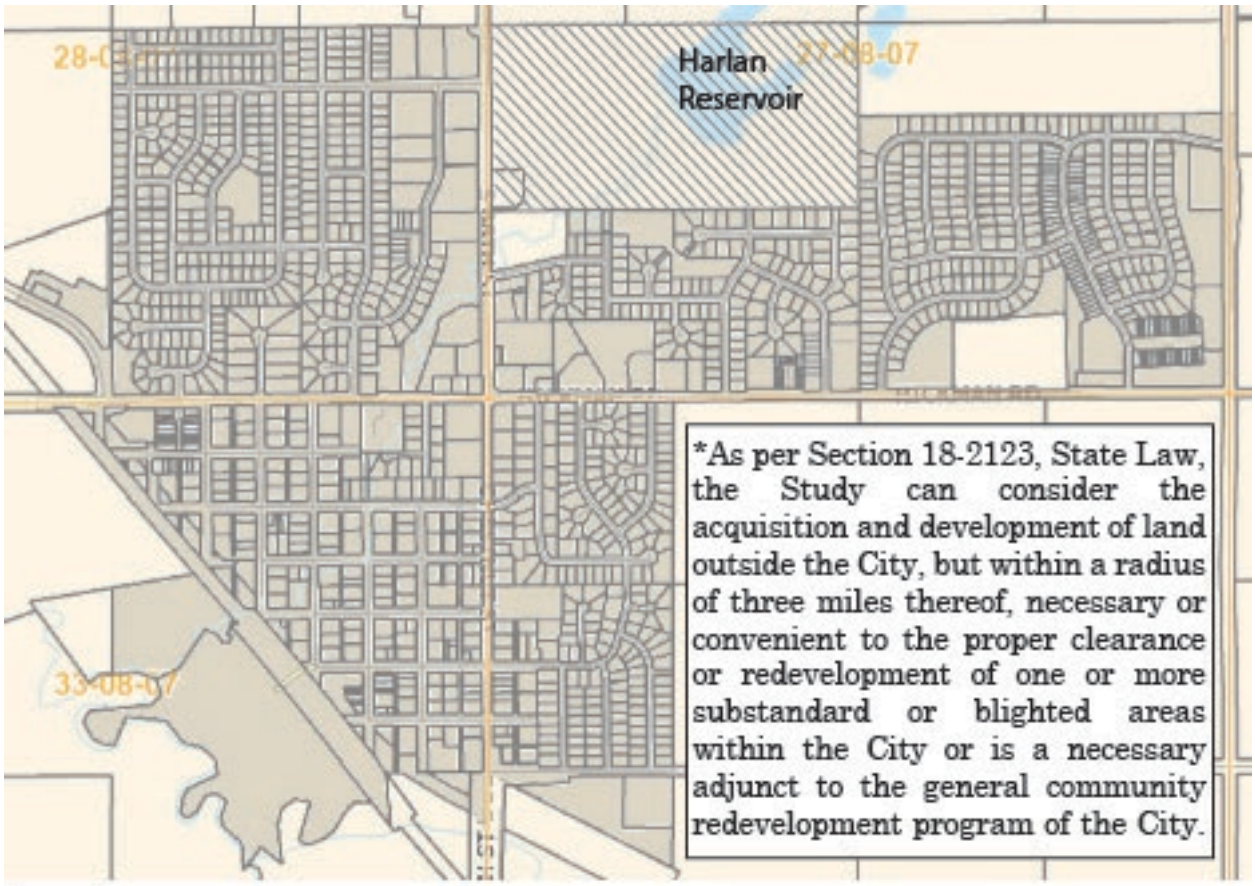
Redevelopment Area #2 equals approximately **79 acres**, currently located outside, but adjacent the Corporate Limits of the City of Hickman, as identified in **Illustration 1, Context Map, Page 2.** The **Area** consists primarily of undeveloped land use, with one single family residential structure and four associated accessory structures. The undeveloped parcel contains The Harlan Reservoir and grassland, pasture and cropland.

The Redevelopment Area includes the following parcels of record on file with the Lancaster County Assessor's Office: 1527300003000 and 1527300004000.

The **Area** will need to be annexed by and into the City of Hickman to be eligible for Tax Increment Financing, as specific redevelopment projects make application to the City.



ILLUSTRATION 1
CONTEXT MAP
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA



This **blight and substandard evaluation** included an **exterior structural assessment of five structures**, **field inventory of two primary parcels**, conversations with both City of Hickman and staff and a review of available reports and documents containing information which could substantiate the existence of **blight and substandard conditions.**

SUBSTANDARD AREA

As set forth in the Nebraska legislation, a **substandard area** shall mean one in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the presence of the following factors:

1. Dilapidated/deterioration;

2. Age or obsolescence;

3. Inadequate provision for ventilation, light, air, sanitation or open spaces;

4. (a) High density of population and overcrowding; or
   (b) The existence of conditions which endanger life or property by fire and other causes; or
   (c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

BLIGHTED AREA

As set forth in the Section 18-2103 Nebraska Revised Statutes (Cumulative Supplement 2012), a **blighted area** shall mean "an area, which by reason of the presence of the following factors:

1. A substantial number of deteriorated or deteriorating structures;

2. The advanced age and associated condition of structures;

3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

4. Insanitary or unsafe conditions due to the age, condition or small diameter of water mains;

5. Deterioration of site or other improvements;

6. Diversity of ownership;

7. Tax or special assessment delinquency exceeding the fair value of the land;

8. Defective or unusual conditions of title;

9. Improper subdivision or obsolete platting;

10. The existence of conditions which endanger life or property by fire or other causes;

11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability; and

12. Is detrimental to the public health, safety, morals or welfare in its present condition and use; and in which there is at least one or more of the following conditions exists;

    1. Unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;

    2. The average age of the residential or commercial units in the area is at least 40 years;

    3. More than half of the plotted and subdivided property in an area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;

    4. The per capita income of the study or designated blighted area is lower than the average per capita income of the City or Village in which the area is designated; or

    5. The area has had either stable or decreasing population based on the last two decennial censuses.

While it may be concluded the mere presence of a majority of the stated **Factors** may be sufficient to make a finding of **blight and substandard,** this evaluation was made on the basis that existing **Blight and Substandard Factors** must be present to an extent which would lead reasonable persons to conclude public intervention is appropriate or necessary to assist with any development or redevelopment activities. Secondly, the distribution of **Blight and Substandard Factors** throughout **Redevelopment Area #2** must be reasonably distributed so basically good areas are not arbitrarily found to be blighted simply because of proximity to areas which are **blighted and substandard.**

On the basis of this approach, Redevelopment Area #2 is found to be eligible as "blighted" and "substandard" within the definition set forth in the legislation.

SUBSTANDARD FACTORS

Three of the **Four Substandard Factors** have a **"strong presence"** within **Redevelopment Area #2,** set forth in the **Nebraska Community Development Law,** and **One Factor** has **"no presence."** The **Substandard Factors** are described in detail, below.

TABLE 1
SUBSTANDARD FACTORS
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

1.	Dilapidated/deterioration.	○
2.	Age or obsolescence.	◙
3.	Inadequate provision for ventilation, light, air, sanitation or open spaces.	◙
4.	Any combination of factors that are detrimental to the public health, safety, morals, or welfare.	◙

Strong Presence of Factor ◙
Reasonable Presence of Factor ◘
No Presence of Factor ○
Source: Hanna:Keelan Associates, P.C., 2023.

Strong Presence of Factor -

As per information obtained from the Lincoln/Lancaster County Assessor's Office and the results of the **Survey** analysis, four of the five structures in the **Redevelopment Area** are estimated to be ***40+ years of age*** (built during or prior to 1983). The **average age** of the structures in the **Redevelopment Area** is an estimated **64 years**. The **Factor** of ***Age or Obsolescence*** is a **strong presence** throughout the **Area.**

The conditions which result in the ***Inadequate Provision for Ventilation, Light, Air, Sanitation or Open Space*** are a **strong presence** throughout **Redevelopment Area #2**. The **Area** lacks a public street and sidewalk system throughout. Additionally, the **Area** lacks modern infrastructure including water and sanitary sewer systems and modern storm sewer system.

The field analysis determined that the **Substandard Factor,** ***Any Combination of Factors that are Detrimental to the Public Health, Safety, Morals, or Welfare,*** is a **strong presence** throughout the **Redevelopment Area**. **The primary contributing elements include <u>functionally and economically obsolete land areas</u> and the lack of a modern infrastructure system, as well as aging structures.**

No Presence of Factor -

The results of the **Structural/Site Conditions Survey** identified **one of the five structures** in **Redevelopment Area #2** as being in a ***deteriorating condition, with minor defects,*** with the remaining four structures being in ***sound condition.*** This **Factor** is of little or no presence throughout the **Area.**

The prevailing substandard conditions in the Redevelopment Area, as determined by the field survey, include:

1. **Functionally** and **economically obsolete undeveloped land areas;**
2. **Advanced age of the structures,** with an **estimated average age of 64 years**;
3. **The Area lacks modern infrastructure** including streets, sidewalks and electrical, water and sanitary sewer systems.





BLIGHT FACTORS

Of the **12 Blight Factors,** throughout **Redevelopment Area #2,** as set forth in the **Nebraska Community Development Law, seven** represent a **strong presence, one** was present to a **reasonable extent** and **three** were present to **little or no extent.** The Factor, "defective or unusual condition of title," was not reviewed. **Blight Factors** are reasonably distributed throughout the **Redevelopment Area.**

TABLE 2
BLIGHT FACTORS
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

1.	A substantial number of deteriorated or dilapidated structures.	○
2.	Existence of defective or inadequate street layout.	◙
3.	Faulty lot layout in relation to size, adequacy, accessibility or usefulness.	◙
4.	Insanitary or unsafe conditions.	◙
5.	Deterioration of site or other improvements.	◘
6.	Diversity of Ownership.	○
7.	Tax or special assessment delinquency exceeding the fair value of land.	○
8.	Defective or unusual condition of title.	**NR**
9.	Improper subdivision or obsolete platting.	◙
10.	The existence of conditions which endanger life or property by fire or other causes.	◙
11.	Other environmental and blighting factors.	◙
12.	One of the other five conditions.	◙

Strong Presence of Factor	◙
Reasonable Presence of Factor	◘
Little or No Presence of Factor	○
NR = Not Reviewed	**NR**

Source: Hanna:Keelan Associates, P.C., 2023.

Strong Presence of Factor –

The ***Existence of Defective or Inadequate Street Layout*** is a **strong presence** throughout the **Redevelopment Area,** due to a lack of platted and developed streets, as well as the lack of a sidewalk system. Existing public streets adjacent the **Redevelopment Area** include S 68th Street, Sunflower Drive, Goldenrod Lane and E 11th Street. Sunflower Drive and Goldenrod Lane could be extended into the **Area** from the south and E 11th Street could be extended into the **Area** from the east.

Faulty Lot Layout is a **strong presence** throughout **Redevelopment Area #2.** The parcels within the **Redevelopment Area** lack proper, modern subdivision compliance, as per the City's Zoning and Subdivision Regulations.

Insanitary or Unsafe Conditions are a **strong presence** throughout the **Redevelopment Area**. Conditions contributing to this **Factor** include a lack of modern infrastructure, including a public street and sidewalk system as well as a lack of modern water and sanitary sewer systems. Additionally, the **Area** contains aging structures.

Improper Subdivision or Obsolete Platting is a **strong presence** throughout the **Redevelopment Area,** primarily due to irregular tracts (parcels) of land. Future development in the **Area** would require proper subdivision, as per the City's Zoning and Subdivision Regulations.

The ***Existence of Conditions Which Endanger Life or Property*** *by* ***Fire or Other Causes*** is **a strong presence** throughout the **Redevelopment Area.** The **Area** contains aging structures, as well as functionally and economically obsolete undeveloped land. Additionally, the **Area** lacks a modern infrastructure system, including public streets and sidewalks and water and sanitary sewer systems.

Other Environmental and Blighting Factors are a **strong presence** throughout the **Redevelopment Area.** The **Area** contains aging structures and with associated parcels having **"fair" site conditions** with **"minor" debris.**

One of the Required Five Additional Blight Factors has a **strong presence** throughout the **Redevelopment Area.** Based on the **Survey** analysis and official records of the Lancaster County Assessor's Office, the estimated average age of all residential and accessory structures in the **Area** is an estimated 64 years, exceeding the blight criteria of 40+ years of age.

Reasonable Presence of Factor –

Deterioration of Site or Other Improvements is a **reasonable presence** throughout **Redevelopment Area #2.** Of the two parcels in the **Area,** one parcel was observed to have **"fair" overall site conditions** and contained **"minor" debris**.

Little or No Presence of Factor –

The results of the **Structural/Site Conditions Survey** identified **one of the five structures** in **Redevelopment Area #2** as being in a ***deteriorating condition, with minor defects,*** with the remaining four structures being in ***sound condition.*** This **Factor** is of little or no presence throughout the **Area.**

Diversity of Ownership has **little or no presence** throughout **Redevelopment Area #2.** Research of public records from the Lincoln/Lancaster County Assessor's Office indicates that **two distinct individuals/ownership groups** own property within the **Redevelopment Area.**

Tax or Special Assessment Delinquency Exceeding the Fair Value of Land has **little or no presence** throughout the **Redevelopment Area**. Research of public records from the Lincoln/Lancaster County Assessor's Office concluded that of the two parcels within the **Area, none were recorded as property tax exempt**. No parcels were recorded as property tax delinquent.

The Factor ***Defective or Unusual Condition of Title*** was not reviewed.

Conclusion.

It is the conclusion of the Consultant that the number, degree and distribution of **Blight and Substandard Factors,** as documented in this **Executive Summary,** are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the **Nebraska Community Development Law. The primary blight and substandard conditions present, include functionally and economically obsolete undeveloped land and the lack of a modern infrastructure system.** It is also the opinion of the Consultant that findings in this **Blight and Substandard Determination Study** warrant designating **Redevelopment Area #2** as **"substandard" and "blighted."**

The conclusions presented in this **Study** are those of the Consultant engaged to examine whether conditions of **blight and substandard** exist. The City of Hickman Planning Commission and Hickman City Council should review this **Study** and, if satisfied with the summary of findings contained herein, may adopt a resolution making a **finding of blight and substandard** and this **Study** a part of the public record.

BASIS FOR REDEVELOPMENT

For a project in the **City of Hickman** to be eligible for redevelopment under the **Nebraska Community Development Law,** the subject area or areas must first qualify as both a **"substandard"** and **"blighted" area,** within the definition set forth in the **Nebraska Community Development Law.** This **Study** has been undertaken to determine whether conditions exist which would warrant designation of **Redevelopment Area #2** as a **"blighted and substandard area"** in accordance with provisions of the law.

As set forth in Section 18-2103 Neb. Rev. Stat. (Cumulative Supplement 2012), a **substandard area** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

1. Dilapidation/deterioration;

2. Age or obsolescence;

3. Inadequate provision for ventilation, light, air, sanitation or open spaces;

4. (a) High density of population and overcrowding; or
   (b) The existence of conditions which endanger life or property by fire and other causes; or
   (c) Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

As set forth in the Nebraska legislation, a **blighted area** shall mean an area, which by reason of the presence of:

1. A substantial number of deteriorated or deteriorating structures;

2. Existence of defective or inadequate street layout;

3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;

4. Insanitary or unsafe conditions;

5. Deterioration of site or other improvements;

6. Diversity of ownership;

7. Tax or special assessment delinquency exceeding the fair value of the land;

8. Defective or unusual conditions of title;

9. Improper subdivision or obsolete platting;

10. The existence of conditions which endanger life or property by fire or other causes;

11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;

12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:

    1. Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;

    2. The average age of the residential or commercial units in the area is at least 40 years;

    3. More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;

    4. The per capita income of the designated blighted area is lower than the average per capita income of the City or Village in which the area is designated; or

    5. The area has had either stable or decreasing population based on the last two decennial censuses.

The Consultant for this **Blight and Substandard Determination Study** was guided by the premise that the finding of **blight and substandard** must be defensible and sufficient evidence of the presence of **Factors** should exist so members of the City of Hickman Planning Commission and Hickman City Council, acting as reasonable and prudent persons, could conclude public intervention is necessary or appropriate. Therefore, each factor was evaluated in the context of the extent of its presence and the collective impact of all **Factors** found to be present.

Also, these deficiencies should be reasonably distributed throughout **Redevelopment Area #2.** Such a "reasonable distribution of deficiencies test" would preclude localities from taking concentrated areas of blight and substandard conditions and expanding the areas arbitrarily into non-blighted/substandard areas for planning or other reasons. The only exception which should be made to this rule is where projects must be brought to a logical boundary to accommodate new development and ensure accessibility, but even in this instance, the inclusion of such areas should be minimal and related to an area otherwise meeting the reasonable distribution of deficiencies test.

THE STUDY AREA

The purpose of this **Study** is to determine whether all or part of the designated **Redevelopment Area #2** in the City of Hickman, Nebraska, qualifies as a **blighted and substandard area**, within the definition set forth in the **Nebraska Community Development Law, Section 18-2103.**

Location

Redevelopment Area #2 equals approximately **79 acres**, located outside, but adjacent the Corporate Limits of the City of Hickman, as identified in **Illustration 1, Context Map, Page 2.** The **Area** is comprised of undeveloped and residential land uses and the Harlan Reservoir Environs. Both functionally and economically obsolete buildings and land areas exist throughout the **Area.**

The Redevelopment Area includes the following parcels of record on file with the Lancaster County Assessor's Office: 1527300003000 and 1527300004000.

The **Area** will need to be annexed, by and into the City of Hickman, to be eligible for Tax Increment Financing, as specific redevelopment projects make application to the City.

Table 3 presents the estimated **Existing Land Use** within the **Redevelopment Area,** in terms of number of acres and percentage of total for all existing uses. The existing land use is identified on **Illustration 2, Page 13.** Undeveloped land and the Harlan Reservoir are the primary land uses in the **Redevelopment Area.**

TABLE 3
EXISTING LAND USE
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

Land Use	Acres	Percent
Residential	1.36	1.7%
Harlan Reservoir Environs	28.11	35.7%
Undeveloped	49.37	62.6%
Totals	**78.84**	**100.0%**

Source: Hanna:Keelan Associates, P.C., 2023.

Illustration 3, Page 14 identifies the existing **Zoning Districts** in the **Redevelopment Area.** One Zoning District and one Overlay District are present within the **Area.** These include the "TA Transitional Agricultural District" and the "CO Corridor Overlay District." Official Zoning activities throughout the **Redevelopment Area** are administered by the City of Hickman.

ILLUSTRATION 2
EXISTING LAND USE MAP
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

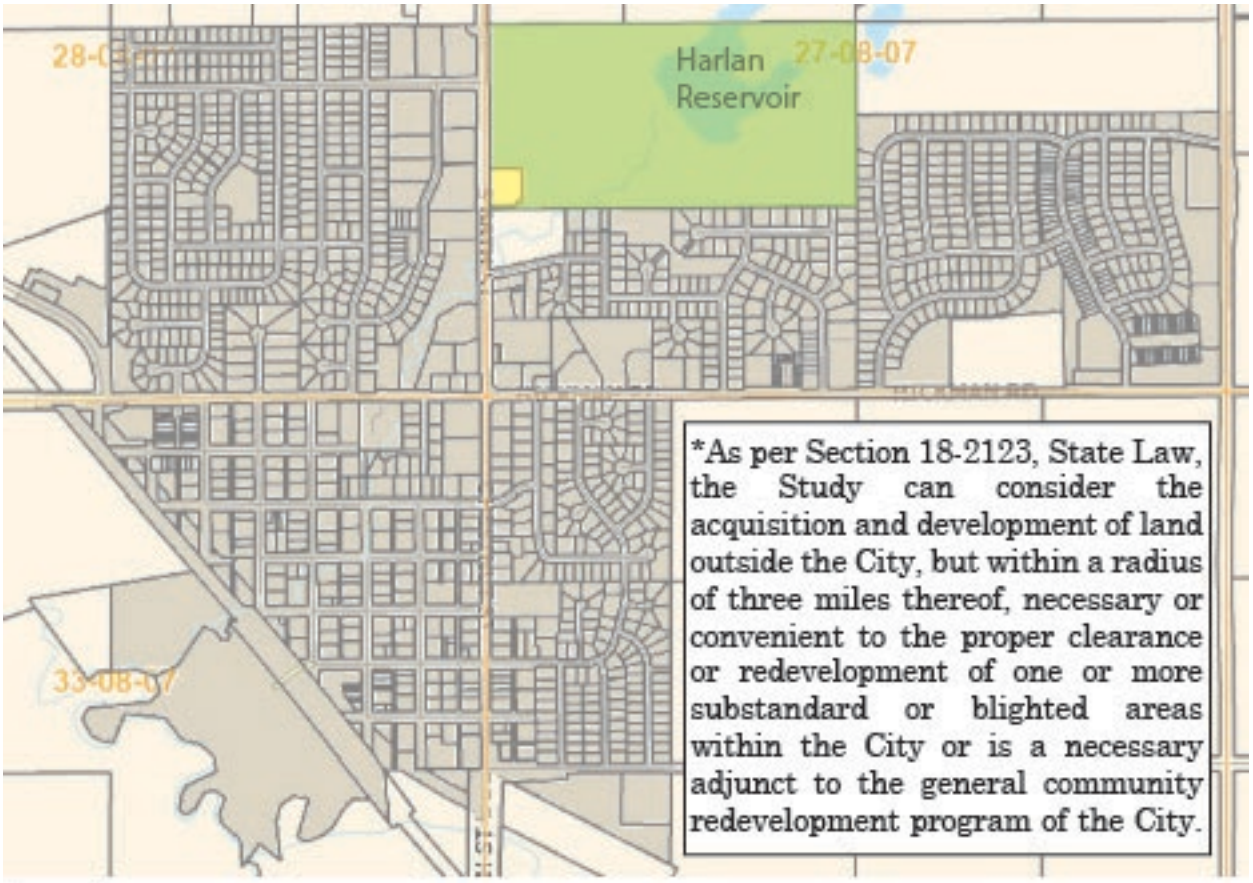
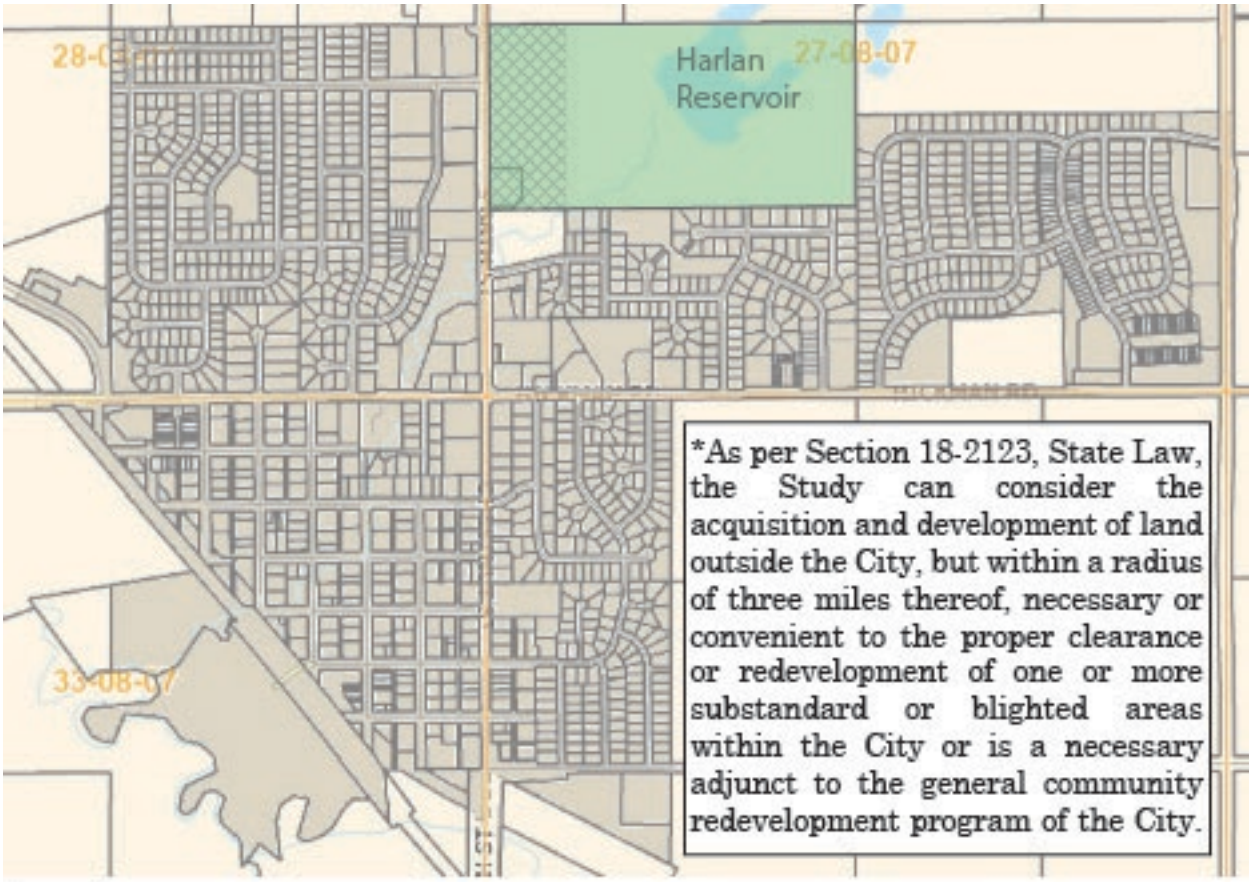


ILLUSTRATION 3
EXISTING ZONING DISTRICTS MAP
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA



THE RESEARCH APPROACH

The **blight and substandard determination research approach** implemented for the **City of Hickman Redevelopment Area #2** included an area-wide assessment (100 percent sample) of all of the Blight and Substandard Factors identified in the **Nebraska Community Development Law,** with the exception of **defective or unusual condition of title**. All **Factors** were investigated on an area-wide basis.

Structural/Site Conditions Survey Process

The rating of building conditions is a critical step in determining the eligibility of an area for redevelopment. It is important that the system for classifying buildings be based on established evaluation standards and criteria, and results in an accurate and consistent description of existing conditions.

A **Structural/Site Conditions Survey** was conducted in June, 2023. A total of **five structures** received a comprehensive exterior inspection. These structures were evaluated to document structural deficiencies in individual buildings and to identify related environmental deficiencies in the **Redevelopment Area.**

The **Structural/Site Conditions Survey** evaluated conditions of **two legal parcels** of record identified by the Lincoln/Lancaster County Assessor's Office. Parcels were evaluated for existing and adjacent land uses, overall site conditions, existence of debris, parking conditions and street, sidewalk and alley surface conditions. The **Redevelopment Area contains approximately 79 acres.**

The **Structural/Site Conditions Survey Form** and associated results are provided in the **Appendix.**

Research on Property Ownership and Financial Assessment of Properties

Public records and aerial photographs of all parcels in the **Redevelopment Area** were analyzed to determine the number of property owners within the **Area**.

An examination of public records was conducted to determine if tax delinquencies existed for properties in the **Redevelopment Area**. The valuation, tax amount and any delinquent amount was examined for each of the properties.

ELIGIBILITY SURVEY AND ANALYSIS FINDINGS

An analysis was made of each of the **Blight and Substandard Factors** listed in the Nebraska legislation to determine whether each or any were present in **Redevelopment Area #2** and, if so, to what extent and in what locations. The following represents a summary evaluation of each **Blight and Substandard Factor** presented in the order of listing in the law.

SUBSTANDARD FACTORS

(1) Dilapidation/Deterioration of Structures

The rating of structural conditions is a critical step in determining the eligibility of a substandard area for redevelopment. The system for classifying structures must be based on established evaluation standards and criteria and result in an accurate and consistent description of existing conditions.

The following summarizes the process used for assessing building conditions in the **Redevelopment Area,** the standards and criteria used for evaluation and the findings as to the existence of dilapidation/deterioration of structures.

The **Structural/Site Conditions Survey** was based on an exterior inspection of all **five existing structures** within the **Area**, to note structural deficiencies in individual buildings and to identify related environmental deficiencies for individual sites or parcels within the **Area.**

1. Structure/Building Systems Evaluation.

During the on-site field analysis, each component of a structure/building was examined to determine whether it was in sound condition or had minor, major or critical defects. Structures/building systems examined included the following three types, **one Primary** and **two Secondary**.

Structural Systems (Primary Components). These include the basic elements of any structure/building: roof structure, wall foundation and basement foundation.

(Secondary Components)

Building Systems. These components include: roof surface condition, chimney, gutters/down spouts and exterior wall surface.

Architectural Systems. These are components generally added to the structural systems and are necessary parts of the structure/building, including exterior paint, doors, windows, porches, steps and fire escape and driveways and site conditions.

The evaluation of each individual parcel of land included the review and evaluation of: adjacent land use, street surface type, street conditions, sidewalk conditions, parking, railroad track/right-of-way composition, existence of debris, existence of vagrants and overall site condition, and the documentation of age and type of structure/ building.

2. Criteria for rating components for structural, building and architectural systems.

The components for the previously identified Systems were individually rated utilizing the following criteria.

Sound. Component that contained no defects, is adequately maintained and requires no treatment outside of normal ongoing maintenance.

Minor Defect. Component that contains minor defects (loose or missing material or holes and cracks over a limited area). These can be corrected through the course of normal maintenance. The correction of such defects may be accomplished by the owner or occupants, such as pointing masonry joints over a limited area or replacement of less complicated systems. Minor defects are considered in rating a structure/building as deteriorating/dilapidated.

Major Defect. Components that contained major defects over a widespread area and would be difficult to correct through normal maintenance. Structures/buildings having major defects would require replacement or rebuilding of systems by people skilled in the building trades.

Critical Defect. Components that contained critical defects (bowing, sagging or settling to any or all exterior systems causing the structure to be out-of-plumb or broken, loose or missing material and deterioration over a widespread area) so extensive the cost of repairs would be excessive in relation to the value returned on the investment.

3. Final Structure/Building Rating.

After completion of the **Exterior Rating** of each structure/building, each individual structure/building was placed in one of four categories, based on the combination of defects found with Components contained in Structural, Building and Architectural Systems. Each final rating is described below:

Sound. Defined as structures/buildings that can be kept in a standard condition with normal maintenance. Structures/buildings, so classified, **have less than six points**.

Deteriorating-Minor. Defined as structures/buildings classified as deficient--requiring minor repairs--**having between six and 10 points.**

Deteriorating-Major. Defined as structures/buildings classified as deficient--requiring major repairs--**having between 11 and 20 points.**

Dilapidated. Defined as structurally substandard structures/buildings containing defects that are so serious and so extensive that it may be most economical to raze the structure/building. Structures/buildings classified as dilapidated will **have at least 21 points**.

An individual ***Exterior Rating Form*** is completed for each structure/building. The results of the ***Exterior Rating*** of all structures/buildings are presented below.

Primary Components	**Secondary Components**
One Critical = 11 pts.	One Critical = 6 pts.
Major Deteriorating = 6 pts.	Major Deteriorating = 3 pts.
Minor = 2 pts.	Minor = 1 pt.

Major deficient buildings are considered to be the same as deteriorating buildings as referenced in the Nebraska legislation; substandard buildings are the same as dilapidated buildings. The word "building" and "structure" are presumed to be interchangeable.

4. Survey Conclusions.

The condition of the total **five buildings** within **Redevelopment Area #2** were determined based on the findings of the **Survey.** These **Survey** results indicated the following:

- Four (4) structures were classified as structurally **sound;**

- One (1) structures was classified as **deteriorating** with **minor** defects.

- Zero (0) structures were classified as **deteriorating** with **major** defects; and

- Zero (0) structures were classified as **dilapidated.**

The results of the **Survey** identified the condition of structures throughout **Redevelopment Area. Of the five structures, one structure** was identified as **deteriorating** with **minor defects** and the remaining structures were aging, but in reasonably sound condition. Additional details on structural deterioration are identified within the **Appendix. Table 4** identifies the results of the structural rating process per building type**.**

Conclusion.

The results of the Structural/Site Conditions Survey indicate deteriorating structures are of little or no presence throughout Redevelopment Area #2.



TABLE 4
EXTERIOR SURVEY FINDINGS
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

Exterior Structural Rating

Activity	Sound	Deteriorating (Minor)	Deteriorating (Major)	Dilapidated	Number of Structures	Deteriorating and/ or Dilapidated
Residential	1	0	0	0	1	0
Accessory	3	1	0	0	4	1
Totals	**4**	**1**	**0**	**0**	**5**	**1**
Percent	80.0%	20.0%	0.0%	0.0%	100.0%	20.0%

Source: Hanna:Keelan Associates, P.C., 2023.

TABLE 5
ASSESSOR'S RATING OF RESIDENTIAL STRUCTURES
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

Building Rating	Quality	Condition
Good (6)	0	0
Average Plus (5)	0	0
Typical (4)	0	1
Average Minus (3)	1	0
Fair (2)	0	0
Poor (1)	0	0
Not Available (Accessory Buildings)	4	4
Total	5	5

Source: Lincoln/Lancaster County Assessor, 2023.

(2) Age or Obsolescence.

As per the results of the **Structural/Site Conditions Survey** and with confirmation from the Lancaster County Assessor's Office, one of the two structures in **Redevelopment Area #2**, with age of construction records available, is 40+ years of age (built during or prior to 1983). This residential structure was constructed in 1900 and one of the four accessory structures associated with this residential structure was constructed in 2018. The other three accessory structures are estimated to be 40+ years of age due to deterioration and observation of historical aerial footage available from the Lancaster County Assessor for the **Area**. This concludes that an estimated four of the five structures are 40+ years of age. The estimated **average age of structures in the Area, with age of construction records available, is an estimated 64 years.**

Conclusion.

The age and obsolescence of structures is a strong presence throughout Redevelopment Area #2.

(3) Inadequate Provision for Ventilation, Light, Air, Sanitation or Open Spaces.

The results of the **Structural/Site Conditions Survey**, along with other field data, provided the basis for the identification of the inadequate provision for ventilation, light, air, sanitation or open spaces in **Redevelopment Area #2.**

As per the results of the **Survey, one of the five structures** in the **Area** was rated as **deteriorating** with **minor defects,** with three of the remaining four structures being 40+ years of age. When not adequately maintained or upgraded to present building standards, aging structures can pose health, safety and sanitary problems.

The overall site conditions in the **Redevelopment Area** revealed that one of two parcels was found to be in **"fair" condition.** Factors related to this condition include a structure deteriorating with minor defects, with other structures aging, and site features such as landscaping conditions that are noticeably deteriorating including the presence of debris.

Additionally, the **Area** lacks modern infrastructure, including a street and sidewalk system and water and sanitary sewer systems. Future development in the **Area** would require the development of such. Water and sanitary sewer systems near the **Redevelopment Area** are approximately 10 years old and could be expanded into the **Area.**

Conclusion

The inadequate provision for ventilation, light, air, sanitation or open spaces in Redevelopment Area #2 is a strong presence and constitutes a Substandard Factor.

(4) <u>Any Combination of Factors that are Detrimental to the Public Health, Safety, Morals or Welfare.</u>

1. Advanced Age of Structures.

Four of the five total structures in the **Redevelopment Area** were estimated to have been built during or prior to 1983, thus 40+ years of age. The single residential structure was determined to be an estimated 123 years of age, with three associated accessory structures estimated to be 40+ years of age. The average age of **structures** in the **Area** is estimated to be **64 years.**

2. Lack of Adequate and/or modern Utilities.

The **Redevelopment Area** lacks a modern water and sanitary sewer system. An extension of the water and sanitary sewer systems will be necessary to support future development in the **Area**.

3. Overall Site Condition

The **Structural/Site Conditions Survey** identified **one of the two parcels** to be in a **"fair" condition,** as well as each parcel lacking sidewalks. Additionally, one parcel contained debris to a **"minor" extent**. This debris consisted of various trailers, ladders and miscellaneous objects. Another parcel lacks complete development due to the Harlan Reservoir Environs, which includes a dam and lake. The Environs contains overgrowth of mixed vegetation.



<u>Conclusion.</u>

The combination of Factors that are detrimental to the public health, safety, morals or welfare are a strong presence throughout Redevelopment Area #2.

BLIGHT FACTORS

(1) Dilapidation/Deterioration of Structures.

The rating of building conditions is a critical step in determining the eligibility of a substandard area for redevelopment. The system for classifying buildings must be based on established evaluation standards and criteria and result in an accurate and consistent description of existing conditions.

This section summarizes the process used for assessing building conditions in **Redevelopment Area #2,** the standards and criteria used for evaluation and the findings as to the existence of dilapidation/deterioration of structures.

The **Structural/Site Conditions Survey** was based on an exterior inspection of all **five existing structures** within the **Area,** to note structural deficiencies in individual buildings and to identify related environmental deficiencies for individual sites or parcels within the **Area.**

1. Structures/Building Systems Evaluation.

During the on-site field analysis, each component of a structure/building was examined to determine whether it was in sound condition or had minor, major or critical defects. Structures/building systems included the following three types, **one Primary** and **two Secondary**.

Structural Systems (Primary Components). These include the basic elements of any structure/building: roof structure, wall foundation and basement foundation.

(Secondary Components)

Building Systems. These components include: roof surface condition, chimney, gutters/down spouts and exterior wall surface.

Architectural Systems. These are components generally added to the structural systems and are necessary parts of the structure/building, including exterior paint, doors, windows, porches, steps and fire escape and driveways and site conditions.

The evaluation of each individual parcel of land included the review and evaluation of adjacent land use, street surface type, street conditions, sidewalk conditions, parking, railroad track/right-of-way composition, existence of debris, existence of vagrants and overall site condition, and the documentation of age and type of structure/ building.

2. Criteria for Rating Components for Structural, Building and Architectural Systems.

The components for the previously identified Systems were individually rated utilizing the following criteria.

Sound. Component that contained no defects, is adequately maintained and requires no treatment outside of normal ongoing maintenance.

Minor Defect. Component that contained minor defects (loose or missing material or holes and cracks over a limited area) which often can be corrected through the course of normal maintenance. The correction of such defects may be accomplished by the owner or occupants, such as pointing masonry joints over a limited area or replacement of less complicated systems. Minor defects are considered in rating a structure/building as deteriorating/dilapidated.

Major Defect. Components that contained major defects over a widespread area and would be difficult to correct through normal maintenance. Structures/buildings having major defects would require replacement or rebuilding of systems by people skilled in the building trades.

Critical Defect. Components that contained critical defects (bowing, sagging or settling to any or all exterior systems causing the structure to be out-of-plumb or broken, loose or missing material and deterioration over a widespread area) so extensive the cost of repairs would be excessive in relation to the value returned on the investment.

3. Final Structure/Building Rating.

After completion of the **Exterior Rating** of each structure/building, each individual structure/building was placed in one of four categories, based on the combination of defects found with Components contained in Structural, Building and Architectural Systems. Each final rating is described below:

Sound. Defined as structures/buildings that can be kept in a standard condition with normal maintenance. Structures/buildings, so classified, **have less than six points**.

Deteriorating-Minor. Defined as structures/buildings classified as deficient--requiring minor repairs--**having between six and 10 points.**

Deteriorating-Major. Defined as structures/buildings classified as deficient--requiring major repairs-- **having between 11 and 20 points.**

Dilapidated. Defined as structurally substandard structures/buildings containing defects that are so serious and so extensive that it may be most economical to raze the structure/building. Structures/buildings classified as dilapidated will **have at least 21 points**.

An individual ***Exterior Rating Form*** is completed for each structure/building. The results of the ***Exterior Rating*** of all structures/buildings are presented in a ***Table format***.

Primary Components	**Secondary Components**
One Critical = 11 pts.	One Critical = 6 pts.
Major Deteriorating = 6 pts.	Major Deteriorating = 3 pts.
Minor = 2 pts.	Minor = 1 pt.

Major deficient buildings are considered to be the same as deteriorating buildings as referenced in the Nebraska legislation; substandard buildings are the same as dilapidated buildings. The word "building" and "structure" are presumed to be interchangeable.

4. Survey Conclusions.

The condition of the total **five buildings** within the **Redevelopment Area** were determined based on the findings of the exterior **Survey.** These **Survey** results indicated the following:

- Four (4) structures were classified as structurally **sound;**
- One (1) structures were classified as **deteriorating** with **minor** defects.
- Zero (0) structures were classified as **deteriorating** with **major** defects; and
- Zero (0) structure was classified as **dilapidated.**

The results of the **Survey** identified the condition of structures throughout **Redevelopment Area. Of the five structures, one structure** was identified as **deteriorating** with **minor defects** and the remaining structures were aging, but in reasonably sound condition. Additional details on structural deterioration are identified within the **Appendix. Table 6** identifies the results of the structural rating process per building type**.**

Conclusion.

The results of the Structural/Site Conditions Survey indicate deteriorating structures are of little or no presence throughout Redevelopment Area #2.

TABLE 6
EXTERIOR SURVEY FINDINGS
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

Exterior Structural Rating

Activity	Sound	Deteriorating (Minor)	Deteriorating (Major)	Dilapidated	Number of Structures	Deteriorating and/ or Dilapidated
Residential	1	0	0	0	1	0
Accessory	3	1	0	0	4	1
Totals	**4**	**1**	**0**	**0**	**5**	**1**
Percent	80.0%	20.0%	0.0%	0.0%	100.0%	20.0%

Source: Hanna:Keelan Associates, P.C., 2023.

TABLE 7
ASSESSOR'S RATING OF RESIDENTIAL STRUCTURES
REDEVELOPMENT AREA #2
HICKMAN, NEBRASKA

Building Rating	Quality	Condition
Good (6)	0	0
Average Plus (5)	0	0
Typical (4)	0	1
Average Minus (3)	1	0
Fair (2)	0	0
Poor (1)	0	0
Not Available (Accessory Buildings)	4	4
Total	5	5

Source: Lincoln/Lancaster County Assessor, 2023.

(2) Existence of Defective or Inadequate Street Layout.



The **Redevelopment Area** lacks a public street and sidewalk network. S 68th Street is adjacent the western edge of the **Area** and is currently undergoing construction. The large, undeveloped tract of land in the **Redevelopment Area** can be considered both **functionally and economically obsolete,** due to the lack of adequate street access and modern water and sanitary sewer systems. Future development would require an extension of the street network from the development to the south of the **Area**.

Conclusion.

The existence of defective or inadequate street layout has a strong presence in Redevelopment Area #2.

(3) Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness.

The review of property ownership and subdivision records and results of the **Structural/Site Conditions Survey** resulted in the determination of conditions associated with **faulty lot layout in relation to size, adequacy, accessibility or usefulness** of land throughout **Redevelopment Area #2.**

1. Inadequate Lot Size and Adequacy Issues.

Irregularly subdivided lots (parcels) exist in the **Area** lacking uniform width or depth and in need of proper subdivision (as per City codes) prior to development activities.

2. Accessibility or Usefulness.

The **two irregular tracts of land (parcels) are both functionally and economically obsolete, undeveloped as per today's standards.** Additionally, the **Area** lacks a modern public street network, creating ingress/egress accessibility issues for the **Area**.

Conclusion.

Faulty lot layout in relation to size, adequacy, accessibility or usefulness is a strong presence of Factor throughout Redevelopment Area #2.

(4) Insanitary and Unsafe Conditions.

The results of the **Structural/Site Conditions Survey**, along with information obtained from City of Hickman Staff, provided the basis for the identification of insanitary and unsafe conditions within **Redevelopment Area #2.**

1. Age of Structures.

Four of the five structures in the **Redevelopment Area** are estimated to be 40+ years of age, or built during or prior to 1983. Additionally, the estimated **average age of structures is 64 years**. The advanced age of the structures results in deteriorating buildings having deferred maintenance, thus potentially creating insanitary and unsafe conditions.

2. Deteriorating/Dilapidated Buildings and Sites.

One of the five structures in the **Redevelopment Area** was determined to be **deteriorating** with **minor defects.** Structures in these conditions, in combination with **"fair" overall site conditions** and **"minor" debris** can result in hazards that are detrimental to adjacent property owners and endanger local pedestrians and patrons, and thus create insanitary and unsafe conditions. Additionally, undeveloped parcels containing an overgrowth of mixed vegetation has the potential to create health hazards to adjacent property owners and pedestrians.

3. Lack of Adequate Utilities & Infrastructure.

The **Area** lacks a modern infrastructure system, including a public street and sidewalk system, as well as, water and sanitary sewer systems. An extension of the water and sanitary sewer system would be required for future development in this **Area**. Water and sanitary sewer systems near the **Area** was constructed of PVC within the last 10 years and could potentially be extended into the **Area**.

Conclusion.

Insanitary and unsafe conditions are a strong presence of Factor throughout Redevelopment Area #2.



(5) Deterioration of Site or Other Improvements.

The results of the **Structural/Site Conditions Survey** determined the condition of site improvements within **Redevelopment Area #2.** The **Appendix** documents the present condition of these site features in the **Area.** The primary issue in **Redevelopment Area #2** is the existing condition and age of buildings and associated debris. **Area** conditions that lead to these findings included:

1. The evaluation of the overall site conditions in the **Area** concluded that **one of the two parcels** was observed to be in **"fair" condition,** partially due to the existence of **"minor" debris.** Another parcel contains the Harlan Reservoir Environs, consisting of a dam and lake. The Environs contains an overgrowth of mixed vegetation. Portions of the Environs are undevelopable due to existing conditions.

2. One of the five structures in the **Redevelopment Area** was identified as **deteriorating** with **minor defects.** Additionally, four of the five structures were estimated to be 40+ years of age.

Conclusion.

Deterioration of site improvements is a reasonable presence in Redevelopment Area #2.



(6) Diversity of Ownership.

T**wo individuals/ownership groups** own property in **Redevelopment Area #2.** Land assemblage of larger proportions is necessary for major developments to be economically feasible and attract financial support. Such assemblage can be difficult without the financial assistance of public intervention programs.

Conclusion.

The Factor, diversity of ownership, has little or no presence of Factor in the Redevelopment Area.

(7) Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land.

An examination of public records was conducted to determine the status of taxation for properties located within **Redevelopment Area #2.** Real estate is taxed at approximately 98 percent of fair value, rendering it almost impossible for a tax to exceed value in a steady real estate market. A public protest system is designed to give the owner appeal rights for potential tax adjustment.

1. Real Estate Values.

The tax values within the **Redevelopment Area** generally appeared to be equal to the market value of the properties. The total estimated assessed valuation within the **Area** is **$455,100.**

2. Real Estate Taxes.

Public records were examined for the purposes of determining if delinquent taxes were currently outstanding on parcels within the **Redevelopment Area**. The records indicated that **none** of the parcels in the **Area** were classified as delinquent by the Lancaster County Treasurer's Office.

3. Tax Exempt.

Information from the Lancaster County Assessor's and Treasurer's Offices identified that **none** of the parcels in the **Redevelopment Area** have property tax exemption.

Conclusion.

Taxes or special assessments delinquency have little or no presence in Redevelopment Area #2.

(8) Defective or Unusual Condition of Title.

Whenever land is sold, mortgaged, or both, a title insurance policy is typically issued, at which time any title defects are corrected. Once title insurance has been written, all other titles in the same subdivision or addition will only have to be checked for the period of time subsequent to the creation of the addition or subdivision, as everything previous is the same and any defects will already have been corrected. Thus, the only possibility for title problems are from improper filings, since platting on properties that have not been mortgaged or sold is very small.

Conclusion.

Examination of public records does not provide any basis for identifying any defective or unusual conditions of title. Such few conditions as may exist would contribute to neither any existing problems nor to difficulty in acquisition or redevelopment and are therefore not found to exist at a level large enough to constitute a Blight Factor in Redevelopment Area #2.

(9) Improper Subdivision or Obsolete Platting.

An analysis of the subdivision conditions in **Redevelopment Area #2** revealed that improper subdivision and obsolete platting is prevalent throughout the **Area** and will require proper subdivision (as per City Codes) prior to development activities. **The Area in its present state is functionally and economically obsolete.**

Conclusion.

A strong presence of Factor exists for improper subdivision or obsolete platting in Redevelopment Area #2.



(10) <u>The Existence of Conditions Which Endanger Life or Property by Fire and Other Causes.</u>

1. Lack of Modern Infrastructure.

The **Redevelopment Area** currently lacks a modern public infrastructure system, consisting of streets, sidewalks and water and sewer systems.

2. Advanced Age of Structures.

Four of the five structures in the **Redevelopment Area** have an estimated age of 40+ years. The **average age of structures,** with age of construction records available, is an estimated **64 years.** The aging of structures plays a role in the potential need for moderate- to substantial rehabilitation of such.

3. Condition of Structures.

One of the five structures in the **Area** was identified as being in a **deteriorating condition** with **minor defects.**

4. Site Condition.

One of the two parcels was determined to have **"fair" overall site conditions,** due to the existence of **"minor" debris,** a deteriorating structure and other aging buildings. Another parcel lacks complete development due to the Harlan Reservoir Environs, which includes a dam and lake. The Environs contains overgrowth of mixed vegetation, which hinders development opportunities.

<u>Conclusion.</u>

The conditions which endanger life or property by fire and other causes are a strong presence of Factor throughout Redevelopment Area #2.



(11) Other Environmental and Blighting Factors.

The **Nebraska Community Development Law** includes a statement of purpose regarding additional criterion for identifying blight, viz., "economically or socially undesirable land uses." Conditions which are considered to be economically and/or socially undesirable include: (a) incompatible uses or mixed-use relationships, (b) economic obsolescence, and c) functional obsolescence. For purpose of this analysis, functional obsolescence relates to the physical utility of a structure or property and economic obsolescence relates to a property's ability to compete in the market place. These two definitions are interrelated and complement each other.

The two parcels in the **Redevelopment Area** can be considered both functionally and economically obsolete. One parcel contains structures with an average age of 64 years. The other parcel is partially developed as the Harlan Reservoir Environs, containing a dam and lake with an overgrowth of mixed vegetation. The entire **Area** lacks a modern infrastructure system. The **Area** will need to be properly subdivided, as per City code, prior to any development activities.

Conclusion.

Other Environmental Blighting Factors are a strong presence throughout Redevelopment Area #2, containing functionally and economically obsolete parcels.



(12) Additional Blighting Conditions.

According to the definition set forth in the **Nebraska Community Development Law,** Section 18-2102, in order for an area to be determined "blighted" it must contain at least one of the five conditions identified below:

1. Unemployment in the designated blighted and substandard area is at least one hundred twenty percent of the state or national average;

2. **The average age of the residential or commercial units in the area is at least forty years;**

3. More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for forty years and has remained unimproved during that time;

4. The per capita income of the designated blighted and substandard area is lower than the average per capita income of the Village or City in which the area is designated; or

5. The area has had either stable or decreasing population based on the last two decennial censuses.

One of the aforementioned criteria is prevalent in the designated blighted area.

The average age of residential or commercial units in the area is at least forty (40) years.

Based upon the results of the **Field Survey** and confirmed by the analysis of Lancaster County Assessor's Office official records, the estimated average age of the **five structures** in the **Redevelopment Area** is **64 years.** The residential structure was built in the early 1900s. Three of the four remaining structures are estimated to be 40+ years of age.

Conclusion.

The criteria of average age of residential and commercial units in the area is at least 40 years of age. One of the five additional blighting conditions is a strong presence in Redevelopment Area #2.

DETERMINATION OF REDEVELOPMENT AREA ELIGIBILITY

Redevelopment Area #2 meets the requirements of the **Nebraska Community Development Law** for designation as both a **"Blighted and Substandard Area." Three** of the **four Factors** that constitute the **Area** as substandard are present to a strong extent. Of the **12 possible Factors** that can constitute the **Area** blighted**, eight** have either a reasonable or strong presence in the **Redevelopment Area. Factors** present in each of the criteria are identified below.

Substandard Factors

1. Age or obsolescence.

2. Inadequate provision for ventilation, light, air, sanitation or open spaces.

3. Any combination of factors that are detrimental to the public health, safety, morals, or welfare.

Blight Factors

1. Street layout.

2. Faulty lot layout.

3. Insanitary or unsafe conditions.

4. Deterioration of site or other improvements.

5. Improper subdivision or obsolete planning.

6. The existence of conditions which endanger life or property by fire or other causes.

7. Other environmental and blighting factors.

8. One of the other five conditions.

Although all of the previously listed **Factors** are at least reasonably present throughout **Redevelopment Area #2,** the conclusion is that the average age of the structures, street layout, faulty lot layout and presence of **functionally and economically obsolete properties** are a sufficient basis for designation of the **Area** as **blighted** and **substandard.**

The extent of **Blight** and **Substandard Factors** in the **Redevelopment Area,** addressed in this **Study,** is presented in **Tables 1** and **2**, **Pages 5** and **7.** The eligibility findings indicate that the **Area** is in need of revitalization and strengthening to ensure it will contribute to the physical, economic and social well-being of the City of Hickman and support a variety of new developments.



Structural/Site Conditions Survey Form

Parcel # _____
Address: _____

Section I: EXISTING LAND USE.

1. Type of Units: ___ SF ___ MF ___ Mobile Home
2. Vacant Parcel: _____ Developable _____ Undevelopable
3. Non-residential Use: _____ Commercial _____ Industrial _____ Public
4. Mixed Use _____
5. Occupied_____ Vacant_____

Section II: STRUCTURAL COMPONENTS.

	Primary Components	(Critical) Dilapidated	(Major) Deteriorating	Minor	None	Sound
1	Roof					
2	Wall Foundation					
3	Foundation					
_____ Concrete _____ Stone _____ Rolled Asphalt _____ Brick _____ Other						
	Secondary Components	**(Critical) Dilapidated**	**(Major) Deteriorating**	**Minor**	**None**	**Sound**
4	Roof					
_____ Asphalt Shingles _____ Rolled Asphalt _____ Cedar _____ Combination _____ Other						
5	Chimney					
6	Gutters, Downspouts					
7	Wall Surface					
_____ Wood _____ Masonry _____ Siding _____ Stucco _____ Combination _____ Other						
8	Paint					
9	Doors					
10	Windows					
11	Porches,Steps,Fire Escape					
12	Driveways, Side Condition					

Final Rating:

_____ Sound _____ Deficient-Minor _____Deficient-Major _____ Dilapidated

Built Within: _____ 1 year _____ 1-5 years _____ 5-10 years
____ 10-20 years _____ 20-40 years _____ 40-100 years _____ 100+ years

Section III: PARCEL/SITE COMPONENTS

1. Street Surface Type: _____
2. Street Condition: _____ E _____ G _____ F _____P
3. Sidewalk Condition: _____ N _____ E _____ G _____ F ___P
4. Parking (Off-Street): _____ N _____ E _____ G _____ F _____P
   _____ # of Spaces _____ Surface
5. Railroad Track/Right-of Way Composition: _____ N ___ E _____ G ____ F _____P
6. Existence of Debris: _____ MA _____ MI _____ N
7. Overall Site Condition: _____ E _____ G _____ F _____P

Redevelopment Area #2 - Site and Structural Conditions.

Overall Site Conditions	Total	Percent	Residential	Undeveloped
Excellent	0	0.0%	0	0
Good	1	50.0%	0	1
Fair	1	50.0%	1	0
Poor	0	0.0%	0	0
Total	2	100.0%	1	1

Street Type	Total	Percent	Residential	Undeveloped
None	2	100.0%	1	1
Concrete	0	0.0%	0	0
Asphalt	0	0.0%	0	0
Gravel	0	0.0%	0	0
Brick	0	0.0%	0	0
Total	2	100.0%	1	1

Street Condition	Total	Percent	Residential	Undeveloped
None	2	100.0%	1	1
Excellent	0	0.0%	0	0
Good	0	0.0%	0	0
Fair	0	0.0%	0	0
Poor	0	0.0%	0	0
Total	2	100.0%	1	1

Sidewalk Condition	Total	Percent	Residential	Undeveloped
None	2	100.0%	1	1
Excellent	0	0.0%	0	0
Good	0	0.0%	0	0
Fair	0	0.0%	0	0
Poor	0	0.0%	0	0
Total	2	100.0%	1	1

Debris	Total	Percent	Residential	Undeveloped
None	1	50.0%	0	1
Minor	1	50.0%	1	0
Major	0	0.0%	0	0
Total	2	100.0%	1	1

Age of Structures	Total	Percent	Residential	Accessory	Undeveloped
Not Available	3	60.0%	0	3	N/A
1-5 Years	1	20.0%	0	1	N/A
5-10 Years	0	0.0%	0	0	N/A
10-20 Years	0	0.0%	0	0	N/A
20-40 Years	0	0.0%	0	0	N/A
40-100 Years	0	0.0%	0	0	N/A
100+ Years	1	20.0%	1	0	N/A
Total	5	100.0%	1	4	N/A

Final Structure Rating	Total	Percent	Residential	Accessory	Undeveloped
Sound	4	80.0%	1	3	N/A
Deteriorating - Minor	1	20.0%	0	1	N/A
Deteriorating - Major	0	0.0%	0	0	N/A
Dilapidated	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Doors	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	3	60.0%	1	2	N/A
Minor	2	40.0%	0	2	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Windows	Total	Percent	Residential	Accessory	Undeveloped
None	1	20.0%	0	1	N/A
Sound	4	80.0%	1	3	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Porches and Steps	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	5	100.0%	1	4	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Paint	Total	Percent	Residential	Accessory	Undeveloped
None	2	40.0%	0	2	N/A
Sound	3	60.0%	1	2	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Driveway and Site	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	4	80.0%	1	3	N/A
Minor	1	20.0%	0	1	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Roof Structure	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	5	100.0%	1	4	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Wall Foundation	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	5	100.0%	1	4	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Foundation	Total	Percent	Residential	Accessory	Undeveloped
None	4	80.0%	0	4	N/A
Sound	1	20.0%	1	0	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Foundation Type	Total	Percent	Residential	Accessory	Undeveloped
Other/None	4	80.0%	0	4	N/A
Concrete	1	20.0%	1	0	N/A
Stone	0	0.0%	0	0	N/A
Rolled Asphalt	0	0.0%	0	0	N/A
Brick	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Roof Surface	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	4	80.0%	1	3	N/A
Minor	0	0.0%	0	0	N/A
Substandard	1	20.0%	0	1	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Roof Type	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Asphalt Shingles	4	80.0%	1	3	N/A
Rolled Asphalt	0	0.0%	0	0	N/A
Metal	1	20.0%	0	1	N/A
Combination	0	0.0%	0	0	N/A
Other	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Chimney	Total	Percent	Residential	Accessory	Undeveloped
None	5	100.0%	1	4	N/A
Sound	0	0.0%	0	0	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Gutters, Downspouts	Total	Percent	Residential	Accessory	Undeveloped
None	2	40.0%	0	2	N/A
Sound	3	60.0%	1	2	N/A
Minor	0	0.0%	0	0	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Wall Surface	Total	Percent	Residential	Accessory	Undeveloped
None	0	0.0%	0	0	N/A
Sound	4	80.0%	1	3	N/A
Minor	1	20.0%	0	1	N/A
Substandard	0	0.0%	0	0	N/A
Critical	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Wall Surface Type	Total	Percent	Residential	Accessory	Undeveloped
Wood	4	80.0%	1	3	N/A
Masonry	0	0.0%	0	0	N/A
Siding	0	0.0%	0	0	N/A
Combination	0	0.0%	0	0	N/A
Stucco	0	0.0%	0	0	N/A
Other/Metal	1	20.0%	0	1	N/A
Total	5	100.0%	1	4	N/A

Parking Surface	Total	Percent	Residential	Accessory	Undeveloped
None	2	40.0%	0	2	N/A
Concrete	2	40.0%	1	1	N/A
Asphalt	0	0.0%	0	0	N/A
Gravel	1	20.0%	0	1	N/A
Dirt	0	0.0%	0	0	N/A
Brick	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Parking Spaces	Total	Percent	Residential	Accessory	Undeveloped
None	2	40.0%	0	2	N/A
1 to 2	3	60.0%	1	2	N/A
3 to 5	0	0.0%	0	0	N/A
6 to 10	0	0.0%	0	0	N/A
11 to 20	0	0.0%	0	0	N/A
21 or more	0	0.0%	0	0	N/A
Total	5	100.0%	1	4	N/A

Redevelopment Area #2 Parcels.

1527300003000*	1527300004000*	*= Outside Current Corporate Limits

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	City of Hickman	Owner's Contract No.:	NA
Contractor:	Bauer Infrastructure	Contractor's Project No.:	NA
Engineer:	Olsson	Engineer's Project No.:	017-3213
Project:	S. 68th St. and Hickman Rd. – Culvert/Underpass Phase	Contract Name:	NA

This Preliminary Certificate of Substantial Completion applies to:

☐ All Work: ☒ The following specified portions of the Work:

Only the portion of the work associated with the culvert/underpass phase of the project and as defined in the project special provisions for "Substantial" completion including the following items:
RCB culvert complete, all concrete trail paving complete and retaining wall complete.

8-03-2023
Date of Culvert/Underpass Phase Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A "final completion" punch list of items to be completed or corrected has been provided (8-08-23). This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities:
☐ None
☒ As follows: Revised completion dates per change order #001

Amendments to Contractor's responsibilities:
☐ None
☒ As follows: Revised completion dates per change order #001

The following documents are ~~attached to and~~ made a part of this Certificate: Final Completion punch list (8-08-23)

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:	RECEIVED:	RECEIVED:
By: _____ (Authorized signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: Project Manager	Title:	Title:
Date: 8-08-2023	Date:	Date:

August 16, 2023

UPDATED 8-16-23

Mr. Micah Messick
Bauer Infrastructure

RE: Hickman Roundabout and Box Culvert Public Improvements
Final Completion Project Punch List

The work associated with the above referenced Public Improvements Project has reached substantial completion, as a result, Bauer, City and Olsson staff performed a project walk through on Tuesday, August 8th, 2023. The following items have not been completed in accordance with the contract documents and shall be completed, corrected, or replaced as noted to achieve final completion and final acceptance.

Culvert/Underpass Phase

1. ~~Complete filling of "voids" and imperfections within box and grout rub walls smooth.~~
2. Coordinate with Windstream for removal of temporary relocated facilities.
3. Install safety railing on block retaining walls, east and west side of box culvert per plan.
4. Install safety railing on stem walls per plan.
5. ~~Repair concrete spall at East parapet (at railing anchor bolts).~~
6. ~~Re-set and grout storm sewer MH ring and cover, west side.~~
7. ~~Finish the slope grading along the west side of the trail and at the FES.~~
8. ~~Re-position rip rap at the NW wing wall of RCB.~~
9. ~~Re-route tracer wire into valve box (new 10" valve at the southwest side of RCB.~~
10. ~~Install grouted riprap between trail and stem wall at box culvert outlet.~~
11. ~~Perform finish grading prior to seeding and matting.~~
12. Repair all damaged turf areas at adjacent property and ROW, fine grade and seed/mat as required – Site wide.
13. ~~Remove all construction debris (aggregate, stakes, flags, sandbags, etc.) – Site wide.~~
14. Sweep all pavement surfaces of dirt and debris – Site wide.
15. ~~Replace valve box lid labeled "sewer" with "water" south of RCB.~~
16. ~~Replace permanent Stop sign for WB Prairie View Lane.~~
17. Verify that low and bright lighting function in RCB is working properly.
18. ~~Set and secure wobbly retaining wall cap blocks, various locations~~
19. Install orange safety fence using "T" posts at each end of the trail (50% complete).
20. Remove all temporary traffic control equipment - Site-wide.
21. Grade swale for water to drain North off the pedestrian trail landing (the landing located directly West of the box culvert pedestrian barrel).

Roundabout Phase

1. ~~Repair settlement and void at back of curb (south of RAB, east curb line.~~
2. ~~Route and seal cracks at storm sewer manhole in SE quadrant of RAB.~~
3. ~~Seal concrete joints at Dental office drive and at cross walk.~~
4. Remove concrete slurry, provide access to valve box and manholes not accessible during walk thru (notify Olsson so re-inspection can occur), various locations – Sitewide.
5. ~~Mailbox(s) to be permanently installed – East side of U-Stop drive on Hickman Rd.~~
6. ~~Construct Flume drain at bank property, trim drain tiles (extra work).~~
7. ~~Remove and replace sidewalk panel at SE corner of RAB (Hickman RD) to match with adjacent panel and to regrade valve box cover to match sidewalk.~~
8. ~~Adjust valve boxes (4) and regrade area due to settlement on east side of 68th north of RAB. Adjust boxes as required for valve nut access.~~
9. ~~Route and seal crack at NB exit lane.~~
10. ~~Seal cracks in colored concrete with clear or color matched poly-urethane sealant, various locations, various locations – Site wide.~~
11. ~~Replace sign post/anchors in kind.~~
12. ~~Replace damaged signs and replace nuts/bolts/washers appropriately…~~
    - ~~5/16" X 2 3/4" stainless steel bolts with nylon washers between sign and lock washers. Fastening nut shall be stainless steel.~~
13. ~~Remove and replace sidewalk panel(s) NW of RAB due to joint movement and crack~~
14. ~~Smooth crushed rock surfacing at Norris substation driveway.~~
15. ~~Trim drain tiles at NW retaining wall (North side of retaining wall), 2" protrusion.~~
16. Remove concrete fins from moment slab (North side of retaining wall).
17. ~~Construct concrete flume at end of curb section at west end (extra work).~~
18. ~~Remove straw wattles at NE (True Value) and NW (Dollar General) quadrants~~
19. ~~Shorten/Cut off extra-long posts for chevron signs in the RAB center.~~
20. Remove all construction debris (aggregate, stakes, flags, sandbags, etc.) – Site wide.
21. ~~Add crushed rock and or soil/seed at various driveway returns where tracking and erosion is evident – Sitewide.~~
22. ~~Trim expansion material at sign post at NE quadrant of RAB.~~
23. Repair all damaged turf areas, fine grade and seed (mat if applicable) – Sitewide.
24. ~~Plumb all signs and add pea gravel at all sign bases as required to secure sign.~~
25. ~~Provide expansion relief at face of curbing, repair spalled curbing – SW quadrant.~~
26. ~~Set and secure wobbly retaining wall cap blocks, various locations.~~
27. Clear curb inlets, including extended throats, of all debris, sediment, and concrete/grout slop.
28. Grout all curb inlets, including extended throat.
29. Remove concrete slurry, Tru-Value curb stop in sidewalk North of the RAB not accessible.

Water Main (Walnut and Redwood Street):

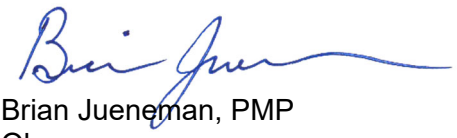
1. ~~Route and seal all concrete and asphalt joints (Walnut Street and Redwood Street).~~
2. ~~Regrade at hydrant and adjust/plumb valve box, seed and mat (Redwood Street).~~
3. ~~Adjust curb stop box, regrade, seed and mat (Redwood Street).~~
4. Install Hydrant extension and adjust VB, regrade and seed/mat. (6th Street).
5. Remove concrete slurry, Moser's curb stops in paved alley between Main St. and Fencerock Ct. not accessible.

Additional items:

6. Provide letter requesting/documenting credit days (must be clear and concise).
7. City to verify that valve wrench access is possible at all valve locations.
8. Install trees and landscaping items (one tree at U-Stop & one at Dollar General – removed during water main re-construction).

Please coordinate your work efforts to achieve final completion of all the above listed at your earliest opportunity. Feel free to notify myself or other Olsson staff familiar with the project if you have any questions.

Sincerely,



Brian Jueneman, PMP
Olsson

Cc: File; Kelly Oelke, Wade Luther, Phil Goering, (City of Hickman), Brian Schuele, Brad Thomas, Arthur Hutt (Olsson), Stu Bauer, Micah Messick, Bob Sedlacek (Bauer Infrastructure)

Olsson Weekly Progress Report
Sunday July 30, 2023 to Saturday August 05, 2023

South 68th Street & Hickman Road

General Information:

Design Project Manager:	Brian Schuele, Olsson
Construction Admin:	Brian Jueneman, Olsson
RPR:	Brad Thomas and Arthur Hutt, Olsson

Sunday, July 30th Partly Cloudy / PM Rain 66° at 6:00 AM 80° at 3:30 PM

- No activity on-site to report.

Monday, July 31st Overcast 70° at 10:00 AM 81° at 6:00 PM

- No activity on-site to report.

Tuesday, August 1st Overcast 68° at 6:00 AM 81° at 7:00 PM

- Bauer grades and backfills along the North side of the pedestrian trail East of the box culvert.

Wednesday, August 2nd Overcast 73° at 10:00 AM 84° at 6:00 PM

- Bauer hauls in soil, grades, and sets forms for pedestrian trail East of the box culvert.

Thursday, August 3rd Mostly Cloudy 72° at 8:00 AM 81° at 3:30 PM

- The West lane of S. 68th St. is blocked off and traffic is temporarily flagged from 8:00 AM to 11:00 AM as Bauer pumps and places ~23 CY of 5" pedestrian trail paving West and South of the box culvert. (pedestrian trail paving 100% complete)
- The crew floats, broom finishes, and covers the trail paving in these spans.

Friday, August 4th Mostly Cloudy 70° at 6:00 AM 88° at 5:00 PM

- Bauer saw cuts joints in the prior day's pedestrian trail pavement pour.
- The crew saw cuts notch in stem wall for drainage to match pedestrian trail elevation West of the box culvert.
- Bauer continues to backfill and grade around the pedestrian trail site-wide.

Saturday, August 5th Clear / PM Rain 70° at 7:00 AM 90° at 6:00 PM

- No activity on-site to report.

South 68th Street & Hickman Road

		Project No. 017-32130
Direction Photo Taken: East Description: Bauer begins backfilling and grading along pedestrian trail on the East side of the site as shown. (08/01)		
Direction Photo Taken: West Description: Bauer shown grading and setting forms for trail paving West of the box culvert. (08/02)		

South 68th Street & Hickman Road

		Project No. 017-32130
Direction Photo Taken: South Description: Bauer shown finishing placement of trail paving West and South of the box culvert. (08/03)		
Direction Photo Taken: East Description: Bauer continues fine grading along the pedestrian trail as shown. (08/04)		

MANAGER APPLCATION
FORM 103

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License Class: CK

License Number: 018563

RECEIVED
MAY 01 2023
NEBRASKA LIQUOR CONTROL COMMISSION

MANAGER MUST:

- ✓ Be at least 21-years of age
- ✓ Complete all sections of the application.
- ✓ Form must be signed by a **member or corporate officer**
- ✓ Include Form 147 –Fingerprints are required
- ✓ Provide a copy of one of the following: US birth certificate, US Passport or naturalization papers
- ✓ Be a resident of the state of Nebraska and be a registered voter in the State of Nebraska,
- N/A Spouse who **will** participate in the business, the spouse must meet the same requirements as the manager applicant:

Spouse who **will not** participate in the business

- N/A Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: Hickman American Legion Post #105

PREMISES INFORMATION

Premises Trade Name/DBA: Hickman American Legion Post #105

Premises Street Address: 106 Locust Street

City: Hickman County: Lancaster Zip Code: 68372

Premises Phone Number: 402-499-9741

Premises ~~Email address~~: hickmanamericanlegion@gmail.com

[signature], Dave Ladd, Mgr

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.

2300003837

0400
0019

Last Name: Lindgren First Name: Michael MI: A

Home Address: 6100 Princess Margaret Drive

City: Lincoln County: Lancaster Zip Code: 68516

Home Phone Number: 402-540-6028

Driver's License Number: [redacted]

Social Security Number: [redacted]

Date of Birth: [redacted] Place of Birth [redacted]

Email address: michael.a.lindgren26@gmail.com

☐ YES ☒ NO

Spouses Last Name: First Name: MI:

Social Security Number:

Driver's License Number:

Date of Birth: Place of Birth:

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2021	Present	NE Army National Guard	CW2 Nathan Borneneier	402-309-1949
2015	2021	NE Army National Guard	CW4 Brad LaMay	402-309-7401

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**
Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

☒ YES ☐ NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Michael A Lindgren	01/2016	Lincoln, NE	DUI, 2nd Offense	Guilty
Michael A Lindgren	06/2014	Lincoln, NE	DUI, 1st Offense	Guilty

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

☐YES ☒NO

IF YES, list the name of the premise(s):

_____

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

☒YES ☐NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Michael A Lindgren	03/2023	Responsible Beverage Service Training (State)

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Bartender / Michael Lindgren	June 2014-Present	Hickman American Legion Post #105

5. Have you enclosed Form 147 regarding fingerprints?

☒YES ☐NO

PERSONAL OATH AND CONSENT OF INVESTIGATION

SIGNATURE PAGE – PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Applicant Notification and Record Challenge: *Your fingerprints will be used to check the criminal history records of the* FBI. *You have the opportunity to complete or challenge the accuracy of the information contained in* FBI *identification record. The procedures for obtaining a change, correction, or updating an* FBI *identification record are set forth in Title 28, CFR, 16.34.*

Must be signed by applicant and spouse.

Signature of **APPLICANT**

Michael Lindgren

Printed Name of **APPLICANT**

Signature of **SPOUSE**

Printed Name of **SPOUSE**

PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use only
RECEIVED
MAY 01 2023
NEBRASKA LIQUOR
CONTROL COMMISSION
Do not stamp any of the following pages

THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **$45.25 per person MUST** be made **DIRECTLY** to the Nebraska State Patrol;
  It is recommended to make payment through the **NSP PayPort** online system at www.ne.gov/go/nsp
  Or a check made payable to **NSP** can be mailed directly to the following address:
  Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License

  The Nebraska State Patrol – CID Division
  4600 Innovation Drive
  Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
  Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
  Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: *Your fingerprints will be used to check the criminal history records of the* FBI. *You have the opportunity to complete or challenge the accuracy of the information contained in the* FBI *identification record. The procedures for obtaining a change, correction, or updating a* FBI *identification record are set forth in Title 28, CFR, 16.34.*

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name Hickman Legion Post #105

Name of Person Being Fingerprinted: Michael A. Lindgren

Date of Birth: [redacted] Last 4 SSN: [redacted]

Date fingerprints were taken: 08 March 2023

Location where fingerprints were taken: NE State Patrol

How was payment made to NSP?

☐NSP PAYPORT ☐CASH ☒CHECK SENT TO NSP CK # 4135

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES ☐

Michael Lindgren

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

STATE OF NEBRASKA

Jim Pillen
Governor

NEBRASKA LIQUOR CONTROL COMMISSION
Hobert B. Rupe
Executive Director
301 Centennial Mall South
P.O. Box 95046
Lincoln, Nebraska, 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800-833-7352 (TTY)
Web Address https://www.lcc.nebraska.gov

Today's Date: August 08, 2023

From: Olive Paz (olivia.paz@nebraska.gov)

To: cityclerk@hickman.ne.gov

I have attached a copy of a new corporate manager application submitted to the Nebraska Liquor Control Commission. Please complete the following information below to indicate your recommendation.

Licensee Name: Am Legion Isley-Schmonski

Trade Name (DBA): American Legion Post 105

License Number: CK-018563

Manager Name: Lindgren, Michael A.

Due Date: September 22, 2023

☐ APPROVED

☐ NO LOCAL RECOMMENDATION

☐ DENIED

COMMENTS: (YOU MAY ATTACH MINUTES AND/OR ADDITIONAL NOTES)

_____

_____

_____

_____

_____

Clerk's Name: _____ Date: _____

Kim Lowe
Commissioner

Bruce Bailey
Chairman

Harry Hoch
Commissioner

An Equal Opportunity Employer

LCC, Inc.
Since 1976

Aug 18th, 2023

Cast in Place Concrete

Project: The City of Hickman Paving Repair

Location: The paving directly in front of 905 Larkspur Dr.

To: Wade Luther

Lottman Carpenter Construction Inc. shall provide the following:

Remove: the existing areas discussed with Wade (1,300 square feet) not to include haul off

Exterior paving: We will fine grade for the exterior slab using the existing materials.
Install approximately 100 lineal feet of an integral curb and gutter.
No amount has been provided for reinforcing of any kind.
Set up, pour and finish 1,300 square feet of paving using a 4,000 PSI mix including installing approximately 152 lineal feet of a one-inch expansion strip.

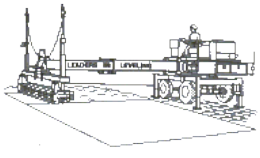
Exclusions: Subgrade compaction or preparations. Soil stabilization or any dirt work including but not limited to: excavating, mucking or dewatering.
Concrete winterizing services of any kind including but not limited to: heating, ground thawing or blanketing. Concrete additives including but not limited to: corrosion inhibitors, fiber reinforcing, colors or dyes. Traffic control or barricades of any kind.
Testing fees, permits, licenses, surveying, engineering or design work of any kind.
Sales tax, use tax, prevailing wages, performance bonds or bonds of any kind.

ALL OF THE ABOVE: **$18,154.61**
Good for 30 Days

Ed Wilson Lottman Carpenter Construction 402-587-9049 ed@lccinc.net



LCC, Inc. Since 1976 ● E-mail: flatwork@lccinc.net
Phone: 402-793-5865 ● Fax: 402-793-5133
P.O. Box 27 ● 311 Commercial ● Diller, Nebraska 68342-0027



ESTIMATE

MJ Concrete Concepts, Inc
774 County Road V
Western, NE 68464

mjconcreteconcepts.james@gmail.com
+1 (402) 610-2037

905 LARKSPUR STREET REPAIR

Bill to
City of Hickman
115 Locust St.
Hickman, Ne. 68372

Estimate details
Estimate no.: 1176
Estimate date: 08/08/2023

	Product or service		Amount
1.	**Services** Service date: 08/08/2023 1.305sqft Of 7" thick street removal and replacement with 96'8" of curb and gutter line	1 unit × $24,585.00	$24,585.00
2.	Inclusions: All saw cutting, all demo of old street, 5/8" smooth or standard dowels 2' on center, all form work, labor, equip, expansion joint materials, grade material if needed, and all clean up.		$0.00
3.	Exclusions: City will do all street closers/ barricading, City will do all haul off- we will load, no joint sealants and no surveying		$0.00

Total **$24,585.00**

CITY OF HICKMAN PROJECT RESOLUTION 2023-14

1. The CITY OF HICKMAN, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of: extending the City's existing trail system and creating a pedestrian underpass underneath S. 68th St.

2. The MAYOR, PHIL GOERING, of the CITY OF HICKMAN, Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.

3. The CITY OF HICKMAN, Nebraska currently has the written commitment for the 20% local matching share for the project elements that are identified on the Application form and the Supplemental Documents and will, as it becomes necessary, allocate the local funds for this project.

4. The CITY OF HICKMAN, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner.

5. The CITY OF HICKMAN, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or nation of origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

6. The CITY OF HICKMAN, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

7. The CITY OF HICKMAN, Nebraska will comply with the Federal disability access and use standards where they can be reasonably applied, in accordance with the Americans with Disability Act of 1991.

8. All paperwork may be signed by the project sponsor, but the Resolution MUST be signed by the Mayor, Board Chairman, School Board Chairman, or Director of the Public Power District.

I certify that this resolution is a true copy of the original document that was adopted by THE CITY OF HICKMAN, Nebraska at a properly advertised and announced public meeting held this day of AUGUST 22ND, 2023.

By: _____ _____
Mayor Phil Goering Date

Attest: _____ _____
Jaala Johnson, CMC, City Clerk Date

_____
(SEAL)

CITY OF HICKMAN RESOLUTION 2023-15

INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA, on behalf of the Lincoln-Lancaster County Health Department, ("City"), and the VILLAGE/CITY OF _____, NEBRASKA, ("Name of Village/City"), having an address of _____, for the purpose of providing health regulation inspection and enforcement within the extra-territorial jurisdiction of the Village/City.

WHEREAS, (Name of Village/City) is desirous of contracting with the City, through the Lincoln-Lancaster County Health Department, in the interest of:

- Protecting the public's health and the environment from pollution;
- Providing minimum standards regulating design, construction, installation, maintenance, and operation of individual sewage disposal systems within Lancaster County; and
- Providing investigation of public health nuisance conditions as defined by (Village/City Ordinance);
- Reviewing transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation established in (Village/City) ordinances as applicable; and
- Reviewing newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.

WHEREAS, the City is agreeable to rendering such services on the terms and conditions hereinafter set forth; and

WHEREAS, such services shall be provided within the extra-territorial jurisdiction;

WHEREAS, such Interlocal Agreements are authorized and provided for by the provisions of Neb. Rev. Stat. §13-901 et. seq. hereinafter referred to as the Interlocal Cooperation Act; and

WHEREAS, the parties to this Interlocal Agreement enter into this cooperative Interlocal Agreement for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. Each party agrees that it shall remain a distinct and separate entity with its own rights and authorities and that no separate board shall be created to fulfill the obligations of this Interlocal Agreement.

NOW, THEREFORE, it is agreed as follows:

1. **SERVICES**
   i) The (Name of Village/City) and the City enter into this Interlocal Agreement for the (Name of Village/City) to:

(1) Provide to the City any and all ordinances and regulations duly adopted by the (Name of Village/City) related to individual sewage disposal systems, water supply systems, solid wastes, nuisances, air quality, open burning, and other health and safety hazards; and
(2) Act as the party primarily responsible for enforcement of the Village's/City's ordinances, rules, and regulations related to the health and safety of the public.

ii) The (Name of Village/City) and the City enter into this Interlocal Agreement for the City to:
(1) Investigate complaints presented by the Village/City Clerk related to public health nuisance conditions, and other health and safety hazards;
(2) Generate necessary reports related to the findings of investigations conducted pursuant to this Interlocal Agreement and provide such reports to the Village/City Clerk upon completion of each investigation;
(3) Cooperate with the Village/City Attorney in any enforcement actions brought by the Village/City involving any investigation conducted by the City according to the terms of this Interlocal Agreement;
(4) Appear as requested as a witness regarding the findings of investigations conducted according to the terms of this Interlocal Agreement.
(5) Review and permit all newly built or repaired on-site wastewater treatment systems within the extra-territorial jurisdiction of the (City/Village), assuring they meet minimum standards for design, construction, installation, maintenance, and operation as adopted by Ordinance No. _____.
(6) Review transfers of properties that are served by individual domestic water wells or onsite wastewater treatment systems to assure they meet minimum standards regulating design, construction, installation, maintenance, and operation as adopted by Ordinance No. _____.
(7) Review newly proposed subdivisions that will not be served by public water supply or community wastewater treatment for water, wastewater and environmental hazards.
(8) Review and permit open burning requests to assure they do not create health risks and meet minimum standards as adopted by Ordinance No. _____.
(9) The City retains the right to limit the amount of staff time and other resources it expends to provide services identified in this Interlocal Agreement.

2. **TERM** – The term of this Interlocal Agreement shall commence upon execution and shall continue until completion all obligations of this Interlocal Agreement but in no event longer than ten (10) years after the date of execution by the City.
3. **TERMINATION FOR CONVENIENCE –** Either party may terminate this Interlocal Agreement for any reason for its own convenience. If either party elects to terminate this Interlocal Agreement prior to its expiration, the terminating party shall provide the other party with sixty (60) days written notice of the termination.
4. **DUTIES GENERALLY –** Both parties to this Interlocal Agreement agree as follows:
   i) To timely and professionally complete the services as described for both parties above, and to furnish their labor and pay all their own costs, including any taxes, required to complete their services.

ii) To furnish everything reasonably necessary to complete the services unless specifically provided otherwise in this Interlocal Agreement.
iii) To apply for and obtain any and all necessary permits, certifications, licenses, variances, and approvals required by any applicable law or regulations that relate to the services.
iv) To conduct all activities related to the services in a lawful manner.
v) To provide and perform all necessary labor in a professional and workmanlike manner and in accordance with the provisions of this Interlocal Agreement.

5. **INDEPENDENT ENTITIES** – CITY has sole and exclusive charge and control of the manner and means of performance of the tasks required of it by this Interlocal Agreement. The CITY shall perform as an independent contractor, and it is expressly understood that neither the CITY nor any of its staff are employees of the (Name of Village/City) and, thus they are not entitled to any (Name of Village/City) benefits including, but not limited to, overtime, retirement benefits, workers' compensation insurance, sick leave, or injury leave. The CITY shall be responsible for maintaining workers' compensation insurance, unemployment insurance for it employees, and for all federal, state, local, and any other payroll taxes with respect to the CITY or its employees' compensation.

6. **INSURANCE**

i) The (Name of Village/City) shall maintain General Liability Insurance at its own expense during the life of this Interlocal Agreement, naming and protecting the (Name of Village/City) and the City of Lincoln, its officials, employees, and volunteers as insured, against claims for damages resulting from (1) all acts or omissions, (2) bodily injury, including wrongful death, (3) personal injury liability, and (d) property damage which may arise from operations under this Interlocal Agreement whether such operations are by the (Name of Village/City) and its employees, or those directly or indirectly employed by the (Name of Village/City). The minimum acceptable limits of liability to be provided by such insurance shall be as follows:
   (1) All Acts or Omissions - $1,000,000 each Occurrence; $2,000,000 Aggregate; and
   (2) Bodily Injury/Property Damage - $1,000,000 each Occurrence; $2,000,000 Aggregate; and
   (3) Personal Injury Damage - $1,000,000 each Occurrence; and
   (4) Contractual Liability - $1,000,000 each Occurrence; and
   (5) Products Liability and Complete Operations - $1,000,000 each Occurrence; and
   (6) Medical Expenses (any one person) - $10,000.
ii) The following shall be provided and attached to this Interlocal Agreement by the (Name of Village/City):
   (1) A Certificate of Insurance for its General Liability Insurance. The City of Lincoln shall be specifically named as an additional insurance on the General Liability Insurance Policy. The (Name of Village/City) may present evidence of equivalent self-insurance in place of a certificate of insurance for General Liability Insurance. The City of Lincoln shall be treated as an additional insured as if the (Name of Village/City) possessed General Liability Insurance.
   (2) Proof of Workers' Compensation Insurance, where appropriate.

iii) The (Name of Village/City) is required to provide the City with thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance as required by this Interlocal Agreement. Further any General Liability Insurance Policy maintained in order to comply with this Interlocal Agreement shall specifically provide that the company from whom the policy is purchased will also provide the City of Lincoln thirty (30) days notice of cancellation, non-renewal, or any material reduction in insurance on the part of the (Name of Village/City).

iv) If the (Name of Village/City) obtains General Liability Insurance during the term of this Interlocal Agreement, it shall add the City of Lincoln as an additional insured and provide a copy of the Certificate of Insurance and specific endorsement on the policy naming the City of Lincoln as an additional insured.

7. **INDEMNIFICATION** – To the fullest extent permitted by law, the (Name of Village/City) shall indemnify, defend, and hold harmless the City of Lincoln, its officers, agents, and employees from and against claims, damages, losses, and expenses, including but not limited to attorney's fees, arising out of or resulting from performance of this Interlocal Agreement, that results in any claim for damage whatsoever, including without limitation, any bodily injury, sickness, disease, death, or any injury to or destruction of tangible or intangible property, including any loss of use resulting therefrom that is caused in whole or in part by the intentional or negligent act or omission of the (Name of Village/City), or anyone for whose acts any of them may be liable. This section will not require the (Name of Village/City) to indemnify or hold harmless the City of Lincoln for any losses, damages, claims, and expenses arising out of or resulting from the sole negligence of the City of Lincoln. The City of Lincoln does not waive its governmental immunity by entering into this Interlocal Agreement and fully retains all immunities and defenses provided by law. This section survives termination of this Interlocal Agreement.
8. **AUDIT PROVISION** – The (Name of Village/City) shall be subject to audit pursuant to Chapter 4.66 of the Lincoln Municipal Code and shall make available to a contract auditor, as defined therein, copies of all financial and performance records and materials germane to this Interlocal Agreement, as allowed by law.
9. **FAIR EMPLOYMENT** – The (Name of Village/City) shall not discriminate against any employee (or applicant for employment) with respect to compensation, terms, advancement potential, conditions, or privileges of employment, because of such person's race, color, religion, sex, disability, national origin ancestry, age, or marital status pursuant to the requirements of Lincoln Municipal Code Chapter 11.08 and Neb. Rev. Stat. §48-1122, as amended.
10. **FAIR LABOR STANDARDS** – The (Name of Village/City) shall maintain Fair Labor Standards in the performance of this Interlocal Agreement, as required by Chapter 73, Nebraska Revised Statutes, as amended.
11. **NEBRASKA LAW** – This Interlocal Agreement shall be governed and interpreted by the Laws of the State of Nebraska without reference to the principles of conflicts of law.
12. **INTEGRATION, AMENDMENTS, ASSIGNMENT** – This Interlocal Agreement represents the entire Interlocal Agreement between the parties and all prior negotiations and representations are hereby expressly excluded from this Interlocal Agreement. This Interlocal Agreement may be amended only by written Interlocal Agreement of both

parties. This Interlocal Agreement may not be assigned without the prior written consent of the other party.

13. **NEW EMPLOYEE VERIFICATION** - In accordance with Neb. Rev. Stat. 4-108 through 4-114, the (Name of Village/City) agrees to register with and use a federal immigration verification system, to determine the work eligibility status of new employees performing services within the state of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324 a, otherwise known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986. (Name of Village/City) shall not discriminate against any employee or applicant for employment to be employed in the performance of this section pursuant to the requirements of state law and 8 U.S.C.A. 1324b. The (Name of Village/City) shall require any subcontractor to comply with the provisions of this section. For information on the E-Verify Program, go to www.uscis.gov/everify.
14. **SEVERABILITY & SAVINGS CLAUSE** – Each section and each subdivision of a section of this Interlocal Agreement is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the acceptance of this Interlocal Agreement and invalidity of any section or subdivision of a section of this Interlocal Agreement shall not invalidate any other section or subdivision of a section thereof.
15. **CAPACITY** – The undersigned persons representing the (Name of Village/City) and the City of Lincoln do hereby agree and represent that he or she is legally capable and authorized to sign this Interlocal Agreement and to lawfully bind the (Name of Village/City) or the City of Lincoln to this Interlocal Agreement.

IN WITNESS WHEREOF, the (Name of Village/City) and the City of Lincoln do hereby execute this Interlocal Agreement.

_____	_____
Mayor or Chairperson of Board Village/City of _____ ADDRESS	Leirion Gaylor Baird Mayor of Lincoln 555 South 10th Street Lincoln, Nebraska 68508
_____	_____
Date of Execution	Date of Execution

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE LANCASTER COUNTY AIR POLLUTION CONTROL RESOLUTION, TO INCREASE THE FEE FOR OPEN BURNING PERMITS, AS PROVIDED IN ATTACHMENT "A"	)))))	RESOLUTION NO. R-22-0085

WHEREAS, pursuant to Neb. Rev. Stat. § 23-174.10, the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution on November 16, 1993 and again on December 10, 2013, under County Resolution No. R-13-0073, for the purpose of achieving and maintaining reasonable levels of air quality which will protect human health and safety and promote the public safety, health, and welfare of Lancaster County; and

WHEREAS, pursuant to Neb. Rev. Stat. §13-801, et seq., Lancaster County and the City of Lincoln entered into an Interlocal agreement for the purpose of providing for the establishment of the 1993 Lincoln-Lancaster County Air Pollution Program, which resolution was readopted at Lancaster County Resolution No. R-13-0072; and

WHEREAS, the Lancaster County Board of Commissioners amended the Lancaster County Air Pollution Control Resolution on August 9, 2016 under County Resolution No. R-16-0048, on September 18, 2018 under County Resolution No. R-18-0061 and on September 8, 2020 under County Resolution No. R-20-0056;

WHEREAS, pursuant to Neb. Rev. Stat. § 71-1630 and § 71-1635, Lancaster County cooperated with the City of Lincoln in the establishment and maintenance of a City-County Health Department; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended amendments to the Lancaster County Air Pollution Control Resolution to increase the cost for a burn permit, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on September 13, 2022, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-20-0056, Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," are hereby adopted, and shall become effective September 13, 2022. These amendments shall supersede all previous amendments not in conformance herewith.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 20 day of September, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 20th day of
September, 2022.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

Attachment "A"

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2022 TO AUGUST 31, 2023

Section 13. Open Burning Permits.

(a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~$180.00~~ $185.00 per day on which burning is to take place. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

(b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.

(c) The Director is authorized to issue a permit only if:

(1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and

(2) The appropriate fire department has approved the application as meeting their fire safety requirements.

(3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.

(d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.

(e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2023 UNTIL SUCH TIME AS UPDATED BY RESOLUTION

Section 13. Open Burning Permits.

(a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of ~~$185.00~~ $190.00 per day on which burning is to take place. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

(b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.

(c) The Director is authorized to issue a permit only if:

(1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and

(2) The appropriate fire department has approved the application as meeting their fire safety requirements.

(3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.

(d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.

(e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF)
ESTABLISHING A SOLID) RESOLUTION NO. 4308
WASTE RESOLUTION)

WHEREAS it is hereby declared to be the public policy of Lancaster County, Nebraska, to achieve and maintain certain standards with regard to the disposal of solid waste in order to protect human health and safety, by working cooperatively with industries and individuals to prevent injury to plant, animal life and property, and to promote the public health and welfare of its inhabitants; and

WHEREAS, the need to establish solid waste regulations exists in the area of Lancaster County (except the City of Lincoln and the area over which it exercises zoning jurisdiction), and the results and effects on the public health and welfare, require adoption of a comprehension and integrated solid waste resolution; and

WHEREAS, the County of Lancaster finds it necessary and desirable to make appropriate regulations to provide rules for the disposal and control of solid waste disposal by exercising its powers to promote the public health and welfare of its inhabitants in accordance with Neb.Rev.Stat. §,23-174.10 (Reissue 1983)

NOW, THEREFORE, BE IT RESOLVED, by the Board of the County Commissioners of Lancaster County, Nebraska, as follows:

1. Title.

This Resolution shall be known and referred to as "The Lancaster County Solid Waste Resolution of 1987."

2. Definitions. For the purpose of this Resolution, the following definitions shall prevail:

(a) HEALTH DIRECTOR: The term "health director" shall mean the director of the Lincoln-Lancaster County Health Department or his/her duly authorized representative.

(b) PERSON: The term "person" shall mean and include any individual, firm, corporation, association, or partnership.

(c) GARBAGE: The term "Garbage" shall mean all animal, fruit, or vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.

(d) REFUSE: The term "refuse" shall mean and include garbage as hereinbefore defines, and all sweepings, ashes, paper, cardboard, feathers, rags, glass, dishes, bottles, crockery, pans, utensils of every kind and nature, pasteboard boxes, food containers, tin cans, and any other waste matter of material not herein designated as garbage which accumulates in the conduct of a household, business establishment, shop or factory of any kind or nature.

(e) SOLID WASTE: The term "solid waste" shall mean all putrescible and non-putrescible wastes whether in solid or liquid form and includes garbage, scavenger matter, rubbish, ashes, refuse, fill dirt, sewage sludge, street refuse, commercial and industrial wastes, demolition debris and all used construction material, building rubbish, discarded automobile and other types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron, steel and other old or metal scrap material, manure, human excrement, vegetable or animal solids and semi-solid wastes, hazardous waste, infectious waste, lawn waste, dead animals or parts thereof, and other discarded solid materials.

(f) REFUSE VEHICLE: The term "refuse vehicle" shall mean any vehicle with or without a packing unit or mechanisms used to collect, haul, or convey refuse. This shall include vehicles used to transport roll-off containers.

(g) AUTHORIZED PRIVATE RECEPTACLE: The term "authorized private receptacle" shall mean a litter storage and collection receptacle as required and authorized by Lancaster County.

(h) SOLID WASTE DISPOSAL SITES: The term "solid waste disposal site" shall mean a site, location, tract of land, area, dump, dump site, landfill or landfill site, or premises used or intended to be used for partial and/or total solid waste disposal.

(i) SOLID WASTE PROCESSING FACILITY: The term "solid waste processing facility" shall mean an incinerator, compost plant, transfer station, or any other location where solid wastes are physically or chemically changed, temporarily stored, or salvaged prior to being transferred to a solid waste disposal area or to a secondary materials recovery facility.

(j) COUNTY: The term "county" shall mean Lancaster County, Nebraska but shall not include the City of Lincoln and the area of its zoning jurisdiction or any city or village which has applicable zoning jurisdiction.

(k) PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(l) PRIVATE PROPERTY: The term "private property" shall mean any privately owned which is not a public right-of-way, street, alley, highway, park or other state, county or municipally owned property.

(m) HAZARDOUS MATERIAL: The term "hazardous material" shall mean any substance which is flammable, corrosive, chemically reactive, radioactive or toxic including, but not limited to, petroleum products, alcohols, caustic materials, acids, pesticides, and poisons. This shall also include the container of any hazardous material as herein defined.

(n) HEALTH AND SAFETY HAZARD: The term "health and safety hazard" shall mean any annoying, unpleasant, hazardous, obnoxious, unsafe, unhealthy, unsanitary conditions or practice causing or capable causing an unreasonable threat to the health, safety, and welfare of persons living or passing in the vicinity thereof or capable od causing a direct transmission of pathogens to one or more persons.

(o) HAZARDOUS VEHICLE: The term "hazardous vehicle" shall mean any vehicle declared a health and safety hazardous by the health director because the vehicle has been found to be:

(1) A potential breeding ground or harborage for mosquitoes or other insects, mice, rats or other pests; or

(2) A point of heavy growth of weeds or other noxious vegetation over (12) inches in height; or

(3) A point of collection for stagnant water; or

(4) A point of concentration of gasoline, oil or other flammable or explosive materials; or

(5) So located that there is a danger of the vehicle falling or turning over; or

(6) A place in which junk, garbage, refuse or hazardous material is discarded and is present within the vehicle; or

(7) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or through injury from exposed surfaces of metal, glass or other ridged materials; or

(8) A potential source of contamination of the soil from petroleum products being discharged from the vehicle; or

(9) Creating any other similar conditions or circumstances which exposes the general public to a safety or health hazard.

(p) VEHICLE: The term "vehicle" shall mean any motor vehicle, trailer, cabin trailer, semi-trailer, truck, motorcycle, passenger car, or mobile home.

(q) BOARD: The term "board" shall mean the Lancaster County Board of Commissioners.

(r) LITTER The term "litter" shall mean "garbage", "refuse", and "rubbish", as defined herein, and all other solid waste material.

(s) LIMITED LANDFILL: The term "limited landfill" shall mean a type of operation in which only building rubbish and demolition debris are deposited by plan on a specified portion of land, and compacted by force applied by mechanical equipment and then covered with dirt or other approved material to a depth of not less than six (6) inches over individual cells of said waste material so deposited and to a depth of not les than twenty-four (24) inches over the finished landfill.

3. Disposing of Solid Waste at Unapproved Sites Prohibited.

It shall be unlawful for any person to dump, deposit, or otherwise dispose of any solid waste, hazardous waste, offensive or obnoxious substances within the County, upon any ground, premises, or place other than at a solid waste disposal site or solid waste processing facility approved by the Health Director or State of Nebraska.

4. Vehicle Loads Causing Litter

No person shall drive or move any vehicle within the County unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any thoroughfare, roadside, ditch, watercourse or public place.

5. Owner or Occupant of Premises; Disposal of Solid Waste

It shall be unlawful for any person to cause or suffer any solid waste, hazardous waste, industrial waste, or any foul or nauseous liquors to be discharged out of or flow from any premises owned or occupied by him/her, or to be left in or thrown into, deposited, or placed upon any thoroughfare, roadside, ditch, ravine, watercourse or public place within the County.

5.5 Disposal of Hazardous Materials; Permit Required

It shall be unlawful to dispose of any hazardous material in the County without first obtaining a permit to do so from the Health Director.

6. Owner or Occupant of Premises; Disposal of Substances Liable to Become Offensive

It shall be unlawful for any person to permit or suffer any substance of the nature mentioned in Paragraph 5 which is liable to become putrid, offensive, or injurious to the public health to remain on any premises owned or occupied by him/her within the County longer than a twenty-four (24) hour period after notification by the Health Director to remove and properly dispose of said substance. Said notification shall be made in writing and personally delivered or sent by certified mail, return receipt requested.

7. Commercial and Industrial Businesses to Provide Receptacles or Containers

The owner, agent, or manager having charge of a commercial or industrial business shall furnish the same with containers or receptacles for solid waste for the purposes of receiving such wastes from his/her place of business. Such receptacles or containers shall comply with all the specification set forth in Paragraph 8 hereof.

If the commercial or industrial establishment disposes of infectious waste materials, the waste receptacle shall be provided with a locking assembly so as to maintain controlled access to the container for depositing and removing the infectious waste.

It shall be the responsibility of the owner, agent, or manager having charge of the business to provide for the collection and disposal of all solid waste generated by said establishment. Solid waste accumulated by the establishment shall be removed from the establishment premises at intervals necessary to maintain proper sanitary conditions but not less than twice a week.

8. Receptacles to be Provided for Solid Waste; Specifications

It shall be the duty of every owner, agent, or manager of rented or leased residential units and private residences in residential subdivisions or commercial and industrial property, or tenants responsible according to written agreement, to provide and maintain one or more of the following receptacles or containers for the holding of solid wastes:

(a) Garbage can: A container or receptacle constructed of a metal treated to prevent rusting, or heavy duty plastic for garbage and refuse, of substantial construction with a matching overhanging, tight-fitted lid and provided with handles sufficient for safe and convenient handling. Such receptacles or containers shall be water-tight and fly-tight, having a capacity of not more than thirty-two (32) gallons and shall be kept in serviceable conditions at all times.

(b) Front and/or rear-loading bulk container: A container or receptacle, constructed of 14-gauge or heavier metal treated to prevent rust, or heavy-duty rigid plastic, of water-tight construction with doors or lids opening on sides or top and constructed such that it can be emptied mechanically by special trucks. Doors and lids must be manufactured from 12-gauge or heavier metal or heavy-duty rigid plastic.

(c) Roll-off: A metal container or receptacle, treated to prevent rust, designed for collecting, storing, and transporting building rubbish, demolition debris, or hazardous industrial waste. Those roll-offs used to collect, store, or transport refuse shall in addition be of water-tight construction or the refuse stored therein shall be stored in such a manner so as to prevent leakage of liquid wastes from the roll-off. The unit may or may not use an auxiliary stationary packing mechanism for compaction of material into container or receptacle and is picked up and transported to the disposal site by specially equipped truck.

(d) Poly-kart, roll-out, or toter: A container or receptacle constructed of a metal frame with molecular stabilized polyethylene body, or a total unit constructed of a heavy polyethylene plastic alloy, thus being "water-tight." Such containers shall have lids so constructed as to prevent insect and rodent entry. Each container shall have at least two (2) wheels and a handle for each and safe mobility.

(e) Plastic bags: Plastic bags shall not be used for storage of solid waste containing garbage and shall not be used in place of the aforementioned receptacles. Plastic bags may be used in the following ways:

(1) As a liner for garbage cans;

(2) to hold and contain garbage and refuse which is placed in one of the aforementioned containers;

(3) to hold and contain lawn wastes.

A sufficient number of containers shall be provided to store all solid waste materials prior to removal from the premises and shall be kept in a sanitary and serviceable condition. All containers used for garbage shall be kept covered or closed to prevent the entrance of insects and rodents. The location of the containers or receptacles shall be kept clean and well-maintained.

9. Depositing Refuse and Garbage: Places Prohibited; Liability of Occupant of Premises.

If any garbage or refuse is found upon any private premises other than in such container or receptacle as set forth in Paragraph 8 and a prosecution follows for such offense, it shall be presumed in such proceedings that such garbage and/or refuse was deposited there by the occupant of such premises.

10. Depositing Refuse Matter on Premises of Another.

It shall be unlawful for any person within the County to willfully, maliciously or negligently, place or throw, or cause to be placed or thrown, upon the premises of another, any filth, refuse matter or other thing, to the annoyance of the owner or occupant thereof.

11. Noxious or Offensive Use of Building or Premises.

No building or premises in any part of the County shall be used for any trade, industry, or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, water, spray, or other substance or residue, and that is detrimental to the public health, safety, or welfare, and the use of such building or premises for such purposes is hereby declared to constitute a public nuisance.

12. Deposit and Accumulation of Offensive Substances Prohibited.

Within the County, it shall be unlawful for any person to deposit or to permit the accumulation of any foul, decaying, or putrescent substances or other offensive matter, in or upon any lot, street, or public way, or in or upon any public or private place, to permit the overflow of any foul liquids or the escape of any gas to such an extent that the same, or any of them, shall become, or be likely to become, hazardous to health, or that the same shall by reason of offensive odors, become a source of discomfort to persons living or passing in the vicinity thereof; and such conditions and things, as aforesaid, and each and all of them are hereby declared to be a public nuisance.

13. Offensive Substances Prohibited—Notices to Remove.

(a) It shall be the duty of every owner, lessee, tenant or occupant of any lot or parcel of ground within the County to keep said premises owned, leased, or occupied by him, free from garbage and any other offensive or unwholesome matter, and it shall be unlawful for such owner, lessee, tenant, or occupant of such lot or parcel of ground to permit, keep or maintain thereon any such condition liable to become putrid or injurious to the public health, or any such condition liable to produce disease, or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodents or insects. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance and shall constitute a misdemeanor punishable as hereinafter provided in this Resolution.

(b) Whenever it shall come to the knowledge of the director of health or his agents or employees that there exists upon such lot or parcel of ground such nuisance, then and in that event said director of health or such agents or employees shall cause a notice to abate and remove said nuisance within five (5) days to be served upon the owner or his authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either

in person or by mailing such notice by certified or registered mail. If such owner, lessee, tenant or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the date fixed in such notice, the director of health may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon.

(c) If the director of health determines that there exists upon any lot or parcel of ground the conditions described above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, he shall request the Board to declare that such an immediate public nuisance exists, and after any such declaration, the director shall cause to be issued a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four (24) hours. Said notice shall be served by personal service upon the owner or his authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee or occupant shall have failed or refused to abate and remove such nuisance at the expiration of twenty-four (24) hours from delivery of notice, the director of health shall cause such nuisance to be removed from such parcel or lot and from any, roads, streets, or alleys abutting thereon.

14. Report to the Board Assessment of Cost-Collection of Assessment.

The director of health shall, not later than the 15th day of September of each year, report to the Board on all real estate cleared of a public nuisance since September 1 of the previous year under the provisions of this Resolution, together with the costs thereof. Whereupon, the Board, after public hearing at a regular board meeting, shall by resolution assess the costs against such real estate; provided, that notice of the time of such meeting of the Board for making such assessment and for the purpose of such meeting shall be published once in a newspaper published and of general circulation in the county at least five (5) days before said meeting of the board is held, or in lieu thereof, notice may be given to the owners of such real estate by personal service thereof five (5) days before such hearing. Any such assessment, when assessed as provided in this section, shall be a lien upon such real estate from the date of assessment and shall be collected in the same manner as general taxes. Such assessment shall be delinquent after December 1 following the date of assessment and shall draw interest at the rate of seven percent (7%) per annum from said date until paid.

15. Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any thoroughfare, roadside, ditch, watercourse, public space, or private property in the County.

16. Keeping of Hazardous Vehicles Unlawful; Exceptions.

It shall be unlawful for any person in charge or control of any private property within the County, whether as owner, tenant, occupant, lessee, or otherwise, to allow any hazardous vehicle, to remain on the property longer than fifteen (15) days; provided, that this section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

It shall be unlawful for the owner of any hazardous vehicle, to leave or allow said vehicle to remain on any private property within the County for more than fifteen (15) days, except as provided in the above paragraph (A) of this section.

When a vehicle is declared a health and safety hazard and found to be in violation of this Resolution, the health director shall place a notice on the vehicle citing the violation and stating that the vehicle must be removed within 15 days. The director shall also issue a written notice to the property owner and to the vehicle owner of record citing the violation and ordering that the vehicle be removed within 15 days of receipt of said notice. The notice shall be served either in person or by certified mail, return receipt requested. If the health director is unable to determine the property owner, notice shall be given by publication in a newspaper of general circulation. Notice to the vehicle owner need not be given if the vehicle does not display a license plate or does not have an identification number traceable to the owner through the Nebraska Department of Motor Vehicles.

17. Health and Safety Hazards Prohibited.

(a) It shall be unlawful for any person, whether they be the owner, lessee, tenant or occupant of any lot or parcel of ground within the County to permit, keep, maintain, or allow to exist on any private or public property any of the following things, practices, or conditions which shall be hereby declared health and safety hazards:

(1) Stagnant water which emits an obnoxious odor or which is a source or potential source of mosquito breeding or otherwise presents a threat to the public health, safety and welfare.

(2) An open pit, well, quarry, cistern, excavation or other hole that has not been safely or properly sealed or abandoned without reasonable safeguards or barriers to prevent them from being accessible to humans.

(3) Failure to secure areas, buildings, or places against unauthorized access where such access is an attractive nuisance to children and other humans.

(4) Any property, whether vacant or improved which is infested by vectors or rodents.

(5) Uncontrolled or uncultivated growth of weeds, brush, vines, grasses, or other vegetation which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, or unreasonably interfere with the use and enjoyment of abutting public or private property.

(6) Any building or other structure which is in such a dilapidated condition that it is unfit for human occupancy or kept in such an unsanitary condition that it presents a threat to the public health, safety and welfare.

(7) Defective sewage systems in or about any structure used for human occupancy. (For the purpose of this section, "human occupancy" shall mean a place where humans reside, work, carry on recreational activities or frequent for any purpose.)

(8) Any condition on private property which endangers the public or neighboring individuals or their property from damage caused by falling objects.

(9) Any man-made condition or structure which is not secure from the public and could be attractive to children and which is a potential source of danger through:

(A) entrapment in areas of confinement;

(B) injury caused by exposed sharp or pointed metal surfaces, glass, or other rigid surfaces;

(C) injury from falling objects or collapse of structures;

(D) injury resulting from falls from heights greater than six feet, or;

(E) loss of life by drowning.

(10) The improper use, storage or disposal of any hazardous material which creates a potential hazard to the public or the environment except as provided in 40 C.F.R. §262.51.

(b) The enumeration of health and safety hazards in subsection (a) of this section shall not limit the power of the health director to investigate or declare any other condition a health and safety hazard which is detrimental to health or causing an unreasonable threat to the safety and welfare of the public.

18. Permit Required for Limited Landfill.

It shall be unlawful for any person to place, deposit or dump, building rubbish or demolition debris on grounds, premises, property or land for the purpose of filling within the County without having procured a permit therefore as hereinafter provided. Filling shall be considered the placement, without significant voids, of earth, building rubbish, and demolition debris for the purpose of providing a stable raised grade of the property on which it is placed.

Application. The application for a permit shall be to the director, in writing and shall contain:

(a) A description and plat of the land to be used for the landfill;

(b) A description of the sequence and plan of operation;

(c) The type and capacity of equipment to be used for operations;

(d) Existing and proposed roadways and easements;

(e) Existing topography and water courses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations – including final elevations;

(f) Proposed measures to control storm drainage;

(g) Estimated volumes of limited refuse and demolition debris, and trees or parts of trees, to be placed in the landfill;

(h) Approximate date of completion;

(i) Types of materials to be placed in the landfill;

(j) Whether it will be a private landfill used exclusively by the applicant for his materials or a public landfill, operated by the applicant and receiving materials from others;

(k) Days and hours of the week the landfill will be in operation;

(l) The names and addresses of the last known owners of the property within three hundred (300) feet of the location for which a permit is requested, as shown by the county real property tax records; and

(m) The addresses of any occupied buildings on property within three hundred (300) feet of the location for which a permit is requested.

19. Review actions Required.

The following review action shall be required of any application for a limited landfill:

(a) Action by Health Director. Upon receipt of an application for a permit required by the provisions of this Resolution, the health director shall examine the premises of the proposed landfill site to determine whether:

(1) The land is suitable;
(2) Proposed drainage is satisfactory; and
(3) The granting of the permit would not create a hazard to the public health or create a nuisance.

The health director shall forward this application and his findings and recommendations to the planning department and the County Engineer for their study, findings and recommendations.

(b) Action by County Engineer. The County Engineer shall determine the effects the operation of the limited landfill may have on roads and traffic in the County.

(c) Action by Planning Director. The Planning Director shall determine the effects the operation of the limited landfill may have on the neighborhood and other matters pertaining to the general welfare of the County and advise the County Board as to whether public convenience and necessity will be served by granting a permit to the applicant.

20. Application to Board.

After the studies, examinations, findings and reports have been completed by the health director, planning department and County Engineer, the application for a permit required by this division shall be forwarded to the County Board with their reports and recommendations attached.

21. Hearing Required.

Upon receipt of this application for a permit required by the provisions of this Resolution, together with the required findings and recommendations attached hereto, the County Clerk shall set a hearing date, which date shall be the date of the third board meeting following the date upon which the documents are received, at which time all parties interested in the granting or denying of the limited landfill permit may appear before the Board and be heard.

22. Notice of Hearing.

The Clerk shall notify, or cause to be notified by certified mail, every occupant and owner of any building and/or property within three hundred (300) feet of the location for which a permit has been requested under the provisions of this Resolution, that a hearing thereon has been set before the Board. The notice shall state therein the date, time, place and purpose of such hearing, and shall be mailed not less than fourteen (14) days prior to the date of said hearing.

The County Clerk shall publish such notice in the official newspaper of the County not less than fourteen (14) days set for the hearing. Failure to send notice is not recorded or where an address in unknown, shall not invalidate any proceedings in connection with the application. Any other notice as may be deemed desirable and practical may be given.

23. Action by Board.

If, after consideration of all the evidence produced at the hearing, provided for by this section, the Board shall find and determine that the location of the premises for which a permit has been requested shall not constitute a hazard to the public health, general welfare, or public safety of the residents within three hundred (300) feet of such location, or to the County as a whole, the Board may order and direct the Director to issue a limited landfill permit upon receipt of the yearly permit fee and bond certificate as required in Paragraph 24 and 25 hereof, notwithstanding the provisions of the County's zoning ordinance to the contrary. In no event shall the Board order or direct the issuance of a permit until after a public hearing as herein provided or shall have been held.

24. Bond.

No permit required by the provisions of this Resolution shall be issued until the applicant shall deliver to the County a cash or corporate bond in the amount of five thousand ($5,000.00) per acre, conditioned as follows:

(a) That the permittee, his agents and servants, will faithfully operate the landfill for which the permit is issued in accordance with the provisions of this Resolution.
(b) That the permittee, his agents and servants, will comply with all the terms, conditions, provisions and regulations contained in this Resolution.
(c) That the permittee, his agents and servants, will save harmless the County from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the limited landfill as required by this Resolution including any expense the County may be put to for correcting any condition or violation of this Resolution by the County's own labor and equipment whenever the Board determines it is necessary for the County to correct any unsanitary condition or conditions violative of this Resolution or from any damages arising out of the negligence of the permittee or his agents or servants.
(d) Bond shall run for a period of three (3) years after the limited landfill site has been finished and brought to final grade.

The amount of the bond required may be revised annually by the Health Director to reflect any increased costs of closing the site.

25. Permit Fee.

Before any permit for a limited landfill is issued, the applicant shall pay a permit fee of one hundred dollars ($100.00) for each acre of land or part thereof utilized as a limited landfill.

26. Term of Permit; Not Transferable.

All permits issued under this Resolution shall expire one year following the date of issuance, unless sooner revoked and no permit shall be assignable or transferable.

27. Permit Renewal.

The permit shall be automatically renewable by the applicant, unless the Director has determined violations of this Resolution have occurred and the re-issuance of the permit should be reviewed by the Board.

28. Manner of Issuance.

Whenever the Board authorized the issuance of a limited landfill permit, it shall consist of an original and duplicates. A duplicate shall be recorded in the office of the Register of Deeds and returned to the Clerk, who shall keep a permanent file of all such original permits issued. The original shall be delivered to the applicant as evidence of his authority to operate a limited landfill. The permit shall state any restrictions or limitation.

29. Regulations.

The following regulations shall be followed by any person to whom a permit is granted by the County for operation of a limited landfill, and it shall be unlawful not to follow these regulations.

(a) When building rubbish and demolition debris exists on the site at the time the permit is issued, such building rubbish and demolition debris shall be collected, compacted and covered with dirt or other material at least two (2) feet in depth at the finished grade, or with a cover of six (6) inches over areas on which the landfilling operations will be conducted.

(b) No waste material other than building rubbish and demolition debris and trees or part of trees or earth may be put in a limited landfill. All burning is prohibited.

(c) No limited landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.

(d) The permittee shall provide for surface drainage on the limited landfill site which will permit the drainage of storm water within six (6) hours after the last precipitation.

(e) The permittee shall take the necessary measures to eliminate dust on the limited landfill site. Access to the limited landfill shall be controlled by proper fencing, gates, locks and other measures approved by the Director necessary to control access.

(f) Routes used by trucks to and from the limited landfill site shall be approved by the County Engineer.

(g) The limited debris, trees or parts o trees, shall be spread out on the working face so that the depth does not exceed a maximum of four (4) feet prior to its compaction. Tree part shall not exceed a size that cannot be worked into the limited landfill by the equipment used for spreading and compacting the working face of the site.

(h) The compacting and leveling equipment must traverse all of the area where building refuse and demolition debris is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope.

(i) The limited landfill shall be built in cells to minimize fire hazards. At the end of the day the active faces of the limited landfill shall be covered with a minimum of six (6) inches of dirt or sand when wood or other combustibles are placed in the fill. When the fill material is made

mainly of non-combustibles and there are no voids in the fill it shall be covered with dirt or sand at least weekly or more frequently when required by the enforcing officer.

(j) When the limited landfill has been brought up to two (2) feet of the desire grade, it shall be covered with at least twenty-four (24) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well seeded manner for a period of three (3) years after filling operations have been completed.

(k) Existing top soil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the limited landfill or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a permit is made.

(l) No materials other than those stated on the application shall be placed in the landfill without permission from the Board, and any such improper materials shall be immediately removed at the direction of the Health Department.

(m) Materials shall not be placed on land without using the proper filling methods, or without following the requirements for salvage material storage. Materials placed in this manner will not be in violation of any anti-dumping prohibitions of this or any other ordinance.

(n) The operation shall be in compliance with all applicable laws, ordinances, rules and regulations.

30. Suspension, Revocation, or Reinstatement of Permits; Appeals.

The health officer shall have the power to order the suspension or revocation of any permit for the violation of the terms and provisions of this Resolution; except that prior to such suspension or revocation, there shall be in addition to the inspection by the environmental health sanitarian, an inspection by one (1) or more of the following supervisory staff; supervisor of solid waste section, chief of the division of environmental health, or the health director. Any action of suspension or revocation shall be personally reviewed and approved by the Health Director. Notification of the order of suspension or revocation shall be made in writing and personally delivered or sent by registered or certified mail. Such order shall not become effective until the expiration of the time for appeal. Pending the determination of such appeal, the operation of any order of suspension or revocation shall be stayed.

Notwithstanding the other provisions of this Resolution, whenever the health authority finds insanitary or other conditions in the operation of a landfill which, in his judgment, constitute a substantial hazard to the public health, he may, without prior warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended or revoked, and any landfill operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible, by a hearing board consisting of the Health Director and the chief of the division of environmental health. If the revocation or suspension is upheld, the aggrieved party may appeal as hereinafter provided. Any person whose permit has been suspended or revoked may, at any time, make application for reinspection for the purpose of reinstatement of

the permit upon a form to be provided for that purpose and shall pay a reinspection fee in the sum of fifty and 00/100 dollars ($50.00), which shall not be refundable. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension or revocation of the permit have been corrected, the health authority shall make a reinspection. If the applicant has corrected conditions so as to comply with the requirements of this Resolution, the permit shall be reinstated. Should such reinstatement be denied, the applicant may appeal as provided below.

Any person aggrieved by the denial, suspension, or revocation of any permit provided for in this Resolution may, within five (5) days of the receipt of written notice of the entry of such order, appeal to the Lincoln-Lancaster Board of Health.

31. Enforcement.

The enforcement of the provisions of this Resolution shall be under the direction of the Health Director and the Sheriff. For the purpose of enforcing this Resolution or abating any nuisance existing hereunder, the Health Director or any Health Department sanitarian or Sheriff may enter private property.

32. Penalty for Violations.

(a) Any persons upon whom a duty is placed by the provisions of this Resolution who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Resolution, shall be deemed guilty of a misdemeanor pursuant to Neb.Rev.Stat. §71-1631.01 (Reissue 1986), as amended.

(b) Each day that a violation of any section in this Resolution continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Resolution provided.

33. Severability and Savings Clause.

(a) Each section and each subdivision of this section of this title is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this Resolution is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.

(b) This title shall in no manner affect pending actions either civil or criminal founded on or growing out of any ordinance or part of any ordinance hereby repealed and this title shall in no manner affect rights or causes of action either civil or criminal not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed.

DATED this 29th day of September, 1987, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY NEBRASKA

APPROVED AS TO FORM
THIS 24TH DAY OF
September, 1987.
Patrick M. Heng
for MICHAEL G. HEAVICAN
Lancaster County Attorney

MGH/PMH/jp
9/22/87

Leo Scherer
Marcia Malone
Kathy Campbell
Larry Hudkins
Jan Gauger

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING VARIOUS SECTIONS OF COUNTY RESOLUTION NO. R-13-0062 , PROCEDURES FOR THE REGULATION OF ON-SITE WASTEWATER TREATMENT SYSTEMS IN LANCASTER COUNTY, AS PROVIDED IN ATTACHMENT "A," AND RESCINDING COUNTY RESOLUTION NO. R-02-31	)	RESOLUTION NO. R-15-0004

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the regulation of on-site wastewater treatment systems in Lancaster County on April 2, 2002, under County Resolution No. 02-31 and on October 15, 2013, under County Resolution No. R-13-0062; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended various amendments to the procedures for regulating on-site wastewater treatment permits, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended rescinding County Resolution R-02-31, Design Standards for the Regulation of Onsite Wastewater Treatment Systems in Lancaster County, as Attachment "A," incorporates the Nebraska Department of Environmental Quality (NDEQ) Title 124 – Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems; and

WHEREAS, on January 13, 2015, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the amendments to County Resolution No. R-13-0062, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-13-0062, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment "A," are hereby adopted, and shall become effective January 13, 2015.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lancaster County that County Resolution No. R-02-31, Design Standards for the Regulation of Onsite Wastewater Treatment Systems in Lancaster County is hereby rescinded.

BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 13 day of January, 2015, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

Todd Wahlgren

Deb Schorr

Jane Raybould

Bill Avery

Hudkins Absent

APPROVED AS TO FORM
this 13 day of
January, 2015.

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

REGULATING ON-SITE WASTEWATER TREATMENT SYSTEMS

The procedures outline herein define and regulate on-site wastewater treatment systems within the unincorporated areas in Lancaster County outside of the incorporated cities and villages and their jurisdictional areas, requiring maintenance and operation of individual sewage disposal systems; authorizing the issuance of permits and certificates; and to repeal any previous resolution or section thereof in conflict herewith; providing for penalties for violations and declaring an emergency.

Section I. PURPOSE

The Board of County Commissioners finds that properly planned, constructed, installed, operated and maintained on-site wastewater treatment systems:

A. Promote the health and welfare of the citizens of Lancaster County by preventing the pollution of ground and surface water;
B. Prevent nuisance;
C. Eliminate hazards to the public health by minimizing pollution of water supplies and hazards to recreational areas; and
D. Minimize disease transmission potential.

It is, therefore, declared to be the public policy of Lancaster County to eliminate and prevent health and safety hazards by regulating the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems, requiring registration of those who clean systems and dispose of wastes therefrom; and providing penalties for violations

Section II. DEFINITIONS

CERTIFIED PROFESSIONAL shall mean a private onsite wastewater treatment system professional certified under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act to perform the tasks defined in Nebraska Title 124, Chapter 20, for which the certification has been issued.

CHEMICAL TOILET shall mean a portable structure containing toilet facilities which discharge into a holding tank containing bactericidal liquid.

CLEANER shall mean a person who removes and transports for disposal the contents, including sludge and septage, from on-site wastewater treatment systems, wastewater lagoons, or wastewater works as defined hereinafter or who hauls special or industrial wastes of a liquid nature or of a nature that it can be pumped.

COMMUNITY SEWAGE SYSTEM shall mean a wastewater works.

COUNTY shall mean the County of Lancaster, Nebraska

DEPARTMENT shall mean the Lincoln-Lancaster County Health Department ~~hereinafter referred to as LLCHD~~.

DEVELOPMENT AREA shall mean an area of land subdivided into lots where an on-site wastewater treatment system will be used. Such subdivision shall include the dividing of an area of land into smaller areas to be sold, transferred, leased, rented, or allowed to be used for the purpose of constructing or locating a dwelling~~, establishment, or other development feature~~ or non-dwelling facility that generates wastewater.

DOMESTIC WASTE~~WATER~~ or **DOMESTIC WASTEWATER** shall mean human body waste and household type wastes including bath and toilet wastes, laundry wastes, kitchen wastes, and other similar wastes from a dwelling~~s and establishments.~~ or a non-dwelling facility. Domestic Waste or wastewater does not include drainage from roofs; footing or foundation drains; process waste from any industrial, agricultural, or commercial establishment; automotive or industrial chemicals or petroleum products; kitchen waste or wastewater from a restaurant or food preparation facility; water carrying animal waste or commercial process water or wastewater; or similar waste.

GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in rock or soil materials such that they may be considered saturated.

HEALTH DIRECTOR shall mean the Director of Health of the Lincoln-Lancaster County Health Department or his or her authorized representative.

INDUSTRIAL WASTES shall mean wastewater not otherwise defined as domestic wastewater, including the runoff and leachate from areas that received pollutants associated with industrial or commercial storage, handling or processing.

~~**INSPECTOR** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Inspector Specialist and is validly registered as an Inspector, pursuant to Section IX.~~

~~**JOURNEYMAN INSTALLER** shall mean any person who is a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Journeyman Installer and is validly registered as a Journeyman Installer, pursuant to Section IX and who is employed by and works under the general supervision of a Master Installer.~~

~~**LAYOUT SPECIALIST** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Layout Specialist and is validly registered as a Layout Specialist, pursuant to Section IX~~.

LOT shall have the same definition of the term "lot, buildable" as set forth in the "Revised Zoning Resolution of Lancaster County Article 2 Definitions ~~Section 231~~."

~~**MASTER INSTALLER** shall mean any person who is a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Master Installer and is validly registered as a Master Installer, pursuant to Section IX.~~

NON-STANDARD ON-SITE WASTEWATER TREATMENT SYSTEM shall mean a system which does not meet the requirements of design standards adopted pursuant to this chapter or generates over 1,000 gallons per day.

ON-SITE WASTEWATER TREATMENT SYSTEM shall mean any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of domestic or non-domestic wastewater, but not including wastewater from a livestock waste control facility, on the property where it originates, or on nearby property under the control of the user, where the system is not connected to a ~~wastewater works.~~ public sewer system. ~~All systems are limited to a maximum size of 1000 gallons per day to be considered an on-site wastewater treatment system.~~ An onsite wastewater treatment system begins at the end of the building drain. A system using a lagoon is limited to a maximum design flow of 1,000 gallons per day to be considered an onsite wastewater treatment system. The word "onsite" used in this resolution is equivalent to the word "on-site".

PERSON shall mean an individual, firm, partnership, company, corporation, trustee, association, organization, or other public or private entity.

PRIVY OR EARTH PIT PRIVY shall mean a device or structure for the disposal of human excreta in a pit in the earth; the pit is covered by a structure affording privacy and shelter and containing a riser and seat.

~~**PROFESSIONAL ENGINEER** shall mean a person licensed by the State of Nebraska as a Professional Engineer.~~

~~**REGISTERED ENVIRONMENTAL HEALTH SPECIALIST** shall mean a person who has the educational requirements and experience in the field of environmental sanitation required by Nebraska Revised Statues 71-3703 and is registered with the Nebraska Board of Registration for Environmental Health Specialists in accordance with Nebraska Revised Statues 71-3702 through 71-3715.~~

REPAIR shall mean the correction of a mechanical, electrical, or minor structural defect in an existing onsite wastewater system component such as, but not limited to, sealing a crack in a tank lid, repairing or replacing a tank baffle or access manhole riser, repairing or replacing a pump or electrical switch, leveling a distribution box, replacing a building sewer pipe, or replacing a cracked pipe between the septic tank and soil absorption system. Repair does not include replacement, reconstruction or modification of a tank or soil absorption system; extension or enlargement of a soil absorption component and system; replacement of a distribution pipe; or repair or replacement of a metal or concrete block tank.

SEPTAGE shall mean those solids and liquids removed during periodic cleaning of a septic tank.

~~**SEPTIC TANK** shall mean a watertight covered receptacle designed and constructed to receive wastewater from a building sewer, separate solids from liquids, digest organic matter, store digested solids through a period of detention, and allow the clarified liquid to discharge to a soil absorption system or other approved system.~~

~~**SITE EVALUATOR** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Site Evaluator Specialist and is validly registered as a Site Evaluator, pursuant to Section IX.~~

~~**SOIL EVALUATOR** shall mean a certified professional holding a certificate issued by the Nebraska Department of Environmental Quality in the category of Soil Evaluator Specialist and is validly registered as a Soil Evaluator, pursuant to Section IX.~~

SLUDGE shall mean the accumulated settled solids deposited from wastewater and containing water to form a semi-liquid mass.

STANDARD ON-SITE WASTEWATER TREATMENT SYSTEM shall mean a system which meets the requirements of this resolution and ~~design~~ standards and regulations adopted pursuant to this resolution.

TANK shall mean a watertight structure or container used to hold wastewater for such purposes as aeration, dilution, disinfection, equalization, mixing, sedimentation, storage, collection for transport, treatment, or addition of chemicals.

THREE-MILE ZONE shall mean that area within three miles of the corporate limits of the City of Lincoln.

WASTEWATER LAGOON shall mean a shallow body of water in which organic wastes are decomposed by bacteria in the presence of free oxygen and which meets the requirements of this resolution and standards and regulations adopted pursuant to this resolution.

WASTEWATER WORKS shall mean facilities for collecting, transporting, pumping and treating wastewater and the disposal of treated effluent and sludges.

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, water courses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Section III. REQUIREMENTS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS.

Minimum requirements are hereby prescribed in this resolution together with ~~design~~ standards and regulations adopted pursuant to this resolution governing the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems. All standards

and regulations for the design, operation and maintenance of on-site wastewater treatment systems referred to herein shall be ~~adopted and amended by the County Board by resolution,~~ filed with the County Clerk. Except as hereinafter provided by specific amendment, the standards and regulations set forth in Neb. Rev. Stat. §§ 81-1505(8), and Nebraska Department of Environmental Quality, Title 124 Rules and Regulations For The Design, Operation and Maintenance of Onsite Wastewater Treatment Systems chapter 1, chapters 5 through 19, and chapter 20 sections 001 to 006, as amended from time to time, are hereby adopted by reference and incorporated into this resolution. No person shall construct an on-site wastewater treatment system on a property which is less than three (3) acres in size. No person shall construct, alter, extend, operate, or clean any on-site wastewater treatment system within the County of Lancaster contrary to the provisions of this resolution or design standards adopted pursuant to this resolution; no privies shall be constructed or installed for use after the effective date of the ordinance codified in this resolution. Any on-site wastewater treatment system that does not conform to the requirements of this resolution and design standards adopted pursuant to this resolution shall be designed by a Registered Master Installer or Professional Engineer (P.E.) licensed in the State of Nebraska as defined by the Title 124 of the Nebraska Administrative Code.

Section IV. ON-SITE WASTEWATER TREATMENT SYSTEMS; CONSTRUCTION PERMIT; ALTERATION PERMIT.

No person shall construct a new on-site wastewater treatment system or cause the same to be done without an on-site wastewater treatment system construction permit issued by the Health Director. ~~to the owner or lessee of the lot on which the work is to be done, and on the condition that he be responsible for all of the labor in connection with the job.~~ No person shall resize or alter the dike of a lagoon, replace tanks, soil absorption, infiltrative or evaporative systems, or extend the laterals to an existing system or cause the same to be done without an on-site wastewater treatment system alteration ~~repair~~ permit issued by the Health Director. ~~to the owner or lessee of the lot property on which the work is to be done. A repair permit is not needed to repair existing structural components, including distribution boxes, mechanical devices, pumps, blowers and electrical equipment.~~ An alteration permit shall not be required for a repair as defined in this resolution.

A. Application for a permit to construct or alter ~~repair~~ an on-site wastewater treatment system shall be submitted to the Health Director on forms furnished by the Health Director and shall include information as required by Section 4 of the Design Standards, information specified in the application form, and any other necessary information to determine whether the construction, alteration, or extension will conform to the provisions of this resolution and the design standards adopted pursuant to this resolution. The application shall include evidence to demonstrate to the satisfaction of the Health Director that there is no community sewer (wastewater works) or other part of the community sewage system within 300 feet of such building or premises into which the sewage can be discharged.

B. When, upon review of the application, the Health Director determines that the proposed design meets the requirements of this chapter and all applicable fees have been paid, a written construction or alteration ~~repair~~ permit shall be issued.

C. The on-site wastewater treatment system must be constructed according to the Health Director approved design.
D. When, upon review of the application, the Health Director determines the proposed design does not meet the requirements of this resolution, or soil or geological conditions are such as to preclude safe and proper operation of the desired installation or installations, a construction or alteration ~~repair~~ permit shall be denied.

E. A construction or alteration ~~repair~~ permit shall be valid for one year after the date of issuance. A construction or alteration ~~repair~~ permit can be extended for a period of six months with the payment of applicable fees.

Section V. REQUIREMENTS FOR CERTIFICATION TO CONSTRUCT ON-SITE WASTEWATER TREATMENT SYSTEM.

~~After October 1, 2002, it shall be unlawful for any person other than a registered Master Installer or a registered Journeyman Installer to construct any on-site wastewater treatment system or similar waste treatment, holding, or disposal facility; or replace tanks, soil absorption, infiltrative or evaporative systems; to cause the same to be done. No such work shall be performed unless a registered Master Installer or Journeyman Installer is present on-site.~~ No person other than a Certified Professional or a person under their direct supervision who holds a valid registration certificate issued by the Health Director may engage in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, closure or otherwise changing of an onsite wastewater treatment system

Section VI. RESERVED

Section VII. REGISTRATION OF CERTIFIED PROFESSIONALS; APPLICATION.

~~After October 1, 2002,~~ Application for a certificate of registration of a ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator~~ Certified Professional shall be made to the Health Director on forms furnished by the Health Director for such purpose. Such forms shall require the name, address, business address, daytime phone number of the applicant, which certificate of registration the applicant is applying for, and such other relevant information as may be required by the Health Director. The applicant shall complete the required forms.

Section VIII. REGISTRATION OF CERTIFIED PROFESSIONALS; REQUIREMENTS.

A. Before a registration certificate shall be issued, the applicant~~, after October 1, 2002,~~ shall be required to satisfactorily complete a training and testing program approved by the Health Director to determine their qualifications and fitness for executing the work ~~necessary for~~ to be performed by a ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator.~~ Certified Professional. The Health Director shall issue a registration certificate if:

1. The applicant has properly completed the required application forms;

2. The registration fee has been paid pursuant to Section XIII;
3. The training and testing program has been satisfactorily completed;
4. The applicant agrees to update all pertinent registration data as it changes, including applicant's address, business address, daytime phone number, and such other information as the Health Director requires.

B. Once issued, said registration certificate shall ~~remain in force~~ be valid for two years from its date of issue, except that the certificate may be revoked as provided for in Section IX.

Section IX. CERTIFICATION OF REGISTRATION; REVOCATION.

A. The Health Director, after conducting a hearing as herein provided, shall have the power to revoke the certificate of registration of a ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator~~ Certified Professional registered pursuant to this title if the same was obtained by error or fraud, or if the holder thereof is shown to be no longer qualified, or if such holder fails to comply with the provisions of law.

B. Where the Health Director has reason to believe a revocation of a ~~registered~~ Certified Professional's ~~Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator~~ certificate of registration is warranted, the Health Director may serve written notice as follows:

1. By personal service to the ~~registrant installer~~ Certified Professional, or
2. By certified mail, postage prepaid, return receipt requested to the ~~registrant's~~ Certified Professional's last known business address.

C. The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date and manner of service as proof of service.

D. The notice shall set forth a time, place and date for said hearing before the Health Director and shall identify the facts alleged to constitute revocation of the certificate of registration.

E. The Health Director shall conduct hearings within ten days of the date of notice.

F. The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

G. The hearing need not be conducted according to the technical rules of evidence relating to evidence and witnesses. At such hearing, the Health Director and all parties concerned may:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matters relevant to the issues of the hearing; and
4. Rebut evidence.

The Health Director shall, within ten days after the hearing, render a final written decision, setting forth his or her findings and conclusions. If a certificate is revoked, holder of the same shall not apply for a new registration until one year after the date of such revocation. Decisions of the Health Director are final and may be appealed to the District Court as provided by state law.

Section X. INSPECTIONS.

It shall be the duty of the ~~holder of a permit issued pursuant to Section IV~~ Certified Professional acting as a representative of the property owner to notify the Health Director when the installation is ready for inspection. The Health Director may make inspections during construction to determine compliance with this resolution. No part of any installation shall be covered until inspected or given ~~final written~~ approval by the Health Director. If any part of an installation has been covered prior to final approval, the Health Director may order it uncovered or require probing, excavation, or any other reasonable action necessary to assure the system meets the requirements of this resolution. Final written approval of the system as constructed~~,~~ or altered~~, or repaired~~ shall not be given until all pertinent data required has been submitted

Section XI. RESERVED ~~ANNUAL OPERATING PERMIT FOR NON-STANDARD ON-SITE WASTEWATER SYSTEM.~~

~~No person shall operate or utilize a non-standard on-site wastewater system without first obtaining an operating permit for each non-standard on-site wastewater treatment system. Applications for the operating permit shall be submitted to the Health Director on forms furnished by the Health Director and shall include a signed written assurance from the owner that the system is in proper operating condition, and shall be accompanied with payment of the annual operating fee. Upon receipt and review of applications submitted in the proper form and with all pertinent information as determined by the Health Director, and payment of the fee, the Health Director shall cause an operating permit to be issued to the applicant.~~

Section XII. CLEANER'S AND LIQUID WASTE HAULER'S PERMIT.

No person shall engage in the business or the act of cleaning on-site wastewater treatment systems or similar waste facilities and community sewage systems, or hauling and disposing of the waste therefrom without a permit issued by the Health Director as provided below. In addition, no person shall engage in the business or the act of hauling or disposing of any liquid waste or waste of a nature that it can be pumped, including industrial wastes and wastewater, industrial wastewater, or special waste without a permit issued by the Health Director. Any permit issued pursuant to this section shall not be transferable, shall be issued on an annual basis (all such permits expire on May 31 of each year) and shall remain in force upon payment of the annual fee so long as the registrant complies with the applicable requirements of this resolution. Any person may file an application for a permit under this section with the Health Director in writing upon forms provided for that purpose by the County. The Health Director shall issue such permit upon the completion and filing of such forms at the Health Department and upon

compliance by the applicant with the terms and conditions of this section and any other applicable law. Failure of the registrant to comply with all the applicable requirements of this resolution shall be sufficient grounds for revocation or denial of such permit by the Health Director. No permit shall be granted to any such applicant until such applicant shall execute and file with the County Clerk a bond in the sum of $500.00 with one or more sufficient sureties thereon to be approved by the County Attorney, which bond indemnifies and saves harmless the county from any damage or injury due to any act of such applicant. At all times the permittee shall act in accordance with the following requirements:

A. The name, address and permit number of the permittee shall be legibly lettered with not less than three-inch high letters on the cab doors on both sides of each vehicle used for permitted purposes.

B. Every vehicle used in conjunction with the activities for which a permit has been issued shall be suitably equipped for the safe transport and disposal of the applicable waste. Tank trucks or vehicles shall be equipped with a completely enclosed watertight tank or body and be maintained in a clean, well-painted, and sanitary condition and stored, when not in use, in a building provided for that purpose. Sewage wastes shall not be transported in an open-body vehicle. All tanks on vehicles shall be cleaned immediately following each use.

C. All tanks, pumps, hose lines, containers, and other appurtenances shall be maintained and secured at all times so as to prevent rupture, damage, or leakage.

D. The permittee shall obtain approval from the Health Director for every site at which the permittee plans to dispose of the waste material collected. Such approval may be in the form of a valid special waste permit. Waste material collected by the permittee shall not be discharged into ditches, watercourses, lakes, ponds, or at any point where it can pollute any water supply, recreation area, or where it may create a nuisance or health hazard.

Any person authorized by Lancaster County to engage in activities otherwise requiring a permit under this section shall not be required to obtain a separate permit.

Section XIII. FEES.

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2014 TO AUGUST 31, 2015

The following fees for permits are required:

A. On-site wastewater treatment system construction permit fee
   Standard System $375.00
   ~~Non-standard System ..... $540.00~~
B. On-site wastewater treatment system ~~repair~~ alteration permit fee $205.00
C. Cleaner's permit (annual) $420.00
   This permit is issued on an annual basis, expires on May 31 of each year, and is renewable on payment of the annual fee and demonstrated compliance with the requirements of this resolution.
D. Any person who secures a registration certificate pursuant to this resolution, including the following:

Certified Professional $35.00

~~1. Master Installer~~

~~2.~~ ~~Journeyman Installer~~

~~3.~~ ~~Inspector~~

~~4.~~ ~~Soil Evaluator~~

~~5~~. ~~Multiple category~~

E. Permit Extension Fee $110.00
F. Variance Fee $205.00
G. Reinstatement Fee $205.00
H. Development area review fees
A base fee and a per lot fee shall be paid for Health Director review of any development area as follows:
Base Fee $375.00
Per Lot Fee $30.00
Maximum combined base fee and per lot fee $1,270.00
I. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. ~~No fees will be refunded~~

SCHEDULE OF COSTS FOR SEPTEMBER 1, 2015 TO AUGUST 31, 2016

The following fees for permits are required:

A. On-site wastewater treatment system construction permit fee
Standard System $385.00
B. On-site wastewater treatment system repair permit fee $210.00
C. Cleaner's permit (annual) $430.00
This permit is issued on an annual basis, expires on May 31 of each year, and is renewable on payment of the annual fee and demonstrated compliance with the requirements of this resolution.
D. Any person who secures a registration certificate pursuant to this resolution, including the following:
Certified Professional $35.00
E. Permit Extension Fee $110.00
F. Variance Fee $210.00
G. Reinstatement Fee $210.00
H. Development area review fees
A base fee and a per lot fee shall be paid for Health Director review of any development area as follows:
Base Fee $385.00
Per Lot Fee $30.00
Maximum combined base fee and per lot fee $1,305.00
I. All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund.

Section XIV. GENERAL PROVISIONS.

A. Sewage from any building or premises shall be discharged directly into the community ~~sewerage~~ sewage system when the system is available and within 300 feet from the building or premises measured along a street, alley, or easement to the encasement of the

sewer system. Availability shall be determined by the community sewage system owner or operator.

B. When the conditions of "A" above do not exist, an on-site wastewater treatment system, except privies and the restricted use of chemical toilets, may be used.

C. Whenever conditions change and the conditions of "A" above can be met, an on-site wastewater treatment system existing at that time shall be abandoned and the building or premises served shall discharge its sewage directly into the community sewage system; such connection to the community ~~sewerage~~ sewage system shall be accomplished in compliance with the applicable plumbing regulations, and shall be completed within six months of the day the community sewage system becomes available.

D. Any person who abandons or discontinues the use of an on-site wastewater treatment system shall, within thirty days of the abandonment or discontinuance of use, have the contents of tanks or pits or such systems removed and disposed of in compliance with Section 17 of the design standards adopted pursuant to this resolution. Any part of a discontinued system shall be abandoned in such a manner as not to create a health or safety hazard

Section XV. DESIGN STANDARDS AND REGULATIONS.

~~All~~ On-site wastewater treatment systems shall be constructed, altered or repaired in conformance with this resolution and the design standards and regulations adopted pursuant to this resolution governing the design ~~standards~~, construction, operation, and maintenance of on-site wastewater treatment systems.

Section XVI. CHEMICAL TOILETS.

Chemical toilets may be used only on a temporary basis under the following conditions or circumstances: when water-carriage systems are not available (such as construction projects, emergencies, or similar situations), and where there is no prohibitive ordinance or resolution.

When permitted, chemical toilets shall comply with the following constructional and operational details:

A. CONSTRUCTION DETAILS.

1. Provide a leakproof receiving tank of acid-resisting material with an opening easily accessible for cleaning.
2. The bowl must be constructed of nonabsorbent material and be sufficiently elevated above the receiving basin.
3. The tank and bowl shall be vented with at least a three-inch pipe, extending above the roof line of the superstructure.

B. OPERATIONAL DETAILS.

1. The facility shall be maintained in a sanitary condition so as not to create a health hazard or nuisance.
2. The tank shall be recharged at proper intervals, with chemicals of a bactericidal nature and concentration.
3. Contents of the chemical toilet shall be removed as often as may be required or whenever the contents are within six inches of the underside of the floor.
4. Chemical toilet waste shall be disposed of in compliance with Section VII of this resolution. Only persons holding a cleaner's registration certificate pursuant to this resolution shall be allowed to collect and transport chemical toilet waste.

Section XVII. NON-STANDARD ON-SITE WASTEWATER TREATMENT SYSTEMS.

Other types of on-site wastewater treatment systems which do not meet the requirements of this resolution or the design standards adopted pursuant to this resolution, or which generate over 1,000 gallons per day, shall be reviewed and approved or disapproved by the Health Director. ~~on a separate basis. Such systems must be designed by a Professional Engineer licensed in the State of Nebraska.~~ Information describing such other types of on-site wastewater treatment systems shall be submitted on application forms with all information as required in Section IV, and any additional information the Health Director deems necessary to determine if the on-site wastewater treatment system will treat sewage adequately to protect the public's health and safety, prevent nuisance conditions, and prevent pollution of air, land and waters of the state. ~~When additional information is provided or requested, three sets shall be submitted to the Health Director including stamped and signed drawings~~. The non-standard on-site wastewater treatment system shall be constructed according to the Health Director approved design. The Health Director may require, as a condition of approval, groundwater monitoring for any on-site wastewater treatment system if there is a significant potential for groundwater pollution. The Health Director may require, as a condition of approval, an operation and maintenance manual to insure proper operation of the on-site wastewater treatment system. The ~~permittee~~ property owner shall operate and maintain his/her on-site wastewater treatment system in compliance with this resolution and design standards adopted pursuant to this resolution. Fees shall be assessed as provided for in Section XIII.

Section XVIII. OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS.

~~All standard and non-standard~~ On-site wastewater treatment systems shall be operated and maintained so as not to create a nuisance or a health hazard and not to pollute air, land, or water, including but not limited to the following: the emission of offensive odors, pollution of water supplies and recreational areas, pollution of groundwater, surface waters, or waters of the state, affording access to untreated sewage by insects, rodents, or humans; the unregulated discharge of sewage onto the ground surface. Any person responsible for violation of the conditions described herein shall be subject to the penalties hereinafter set forth.

Section XIX. INSPECTIONS AND ENFORCEMENT.

The Health Director is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this resolution and the design standards adopted pursuant to this resolution.

Upon presentation of proper credentials issued by the Board of County Commissioners, the Health Director may enter at reasonable times any building, structure, or premises in Lancaster County to determine compliance with the requirements of this resolution, and it shall be unlawful for any owner or occupier of the premises or person in charge of the premises to deny right of entry to the Health Director to make such inspection.

Whenever the Health Director has reasonable grounds for believing that there has been a violation of this resolution or the design standards adopted pursuant to this resolution, the Health Director shall give written notice to the person or persons alleged to be in violation. Such notice shall identify the provision of this resolution alleged to be violated and the facts alleged to constitute such violation. Should such violation create a nuisance or a health hazard, the Health Director may cause abatement of such conditions in accord with County Resolution 4308.

Section XX. VARIANCE.

~~Whenever it has been demonstrated to the Health Director that compliance with this resolution cannot be effectively and promptly made, the Health Director may grant a variance as provided in Section 3 of the design standards adopted pursuant to this resolution and after payment of applicable fees.~~

Any person who owns or is in control of any on-site wastewater treatment system or property on which an on-site wastewater treatment system exists or is proposed may apply to the Health Director for a variance from regulations and standards. Such variance request must be accompanied by the appropriate fee. The Director may grant such variance if he or she finds that:

A. The proposed variance will not substantially reduce the capability or capacity of the on-site wastewater treatment system to treat sewage;
B. The discharges occurring or proposed to occur do not (or will not) pose an imminent or substantial risk to public health or safety or create or contribute to pollution of air, land or water; and
C. Compliance with the regulations and standards from which variance is sought would produce serious hardship without equal or greater benefits to the public.

Section XXI. STOP ORDERS.

Whenever any on-site wastewater treatment system is being installed, replaced, extended or repaired contrary to the provisions of this resolution or design standards, the Health Director shall order the work stopped by notice served on any person or persons engaged in the doing or causing such work to be done, and any such work shall forthwith stop until the Health Director has authorized the work to proceed again.

Section XXII. REVOCATION OR SUSPENSION OF PERMIT.

Any permit granted under this resolution shall be subject to revocation or suspension in the following manner:

A. The Health Director shall notify the property owner as provided in Section XXVI.

B. If the Health Director determines that the permit holder is in violation of this resolution or design standards adopted pursuant to this resolution, the Health Director may revoke the permit or the Health Director may suspend the permit for an appropriate period of time not to exceed ninety days.

C. The Health Director shall conduct the hearing in accordance with Section XXIII.

Section XXIII. ENFORCEMENT HEARINGS.

A. Unless this resolution provides otherwise, the Health Director shall conduct hearings allowed or required under this resolution as soon as practicable, but in no event later than:

1. Three (3) working days after a request for hearing under Section XXIV; or
2. Ten (10) working days after any other request.

B. The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

C. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;
3. Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
4. Rebut evidence.

D. The Health Director may uphold, reverse, or modify the act or findings prompting the request or the Health Director may take such other reasonable action as the Health Director may determine proper related to the request.

E. The Health Director shall make a final determination within ten (10) days after the hearing.

F. The Health Director's decision shall be final and binding upon the County and upon the person making the request. The Health Director's decision may be appealed to the district court as provided by state law.

Section XXIV. IMMEDIATE SUSPENSION.

A. The Health Director may suspend any permit issued under this resolution if the Health Director finds that a permit holder, installer, or other person in charge of constructing or operating an on-site wastewater treatment system is in serious violation of this chapter or permit conditions approved by the Health Director whereby such violation causes an imminent health hazard.

B. The Health Director shall provide the notice required in Section XXVI. The suspension shall be effective immediately upon notice and the period of time shall not exceed 90 days.

C. It shall be unlawful to operate or cause, permit or allow any permitted operations under a suspended permit after service upon the permit holder.

Section XXV. APPLICATION FOR REINSTATEMENT AFTER SUSPENSION.

A. Any person whose permit has been suspended may apply for reinstatement of such permit. The application shall include a statement signed by the applicant that the conditions causing suspension of the permit have been corrected.

B. The Health Director shall inspect or review the application as for a new permit except that the Health Director shall make the inspection within three working days after receiving the application for reinstatement and the applicable fees.

C. The Health Director shall reissue the permit if the conditions causing suspension of the permit have been corrected. The permit shall be reinstated upon payment of any reinstatement fee provided in this resolution.

D. Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension provided in this section in any manner.

Section XXVI. NOTICE; SERVICE.

A. The Health Director may serve notice authorized or required by this resolution as follows:

1. By personal service to the permit holder, installer, or other person in charge of the on-site wastewater treatment system; or
2. By certified mail, postage prepaid, return receipt requested to the permit holder's or permittee's last known address.

B. The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

C. If the service is to a person other than the permit holder, the Health Director may send a copy of the notice to the permit holder by certified mail. The copy is not required as a part of the notice, and receipt of the copy does not affect the notice.

D. The notice shall set forth a time, place and date for said hearing before the Health Director and shall identify the provisions of this resolution, design standard or permit condition alleged to be violated and the facts alleged to constitute such violation.

Section XXVII. APPEAL.

A. Any person whose application for a permit under this resolution has been denied shall be notified in writing as to the reasons for denial and such person may within ten working days after official notification of such action file a written request for a hearing before the Health Director. Such hearing shall be held within ten working days after the receipt of the request by the Health Director and upon reasonable notice to the applicant. The Health Director shall affirm, modify, or revoke the denial, or issue the permit on the basis of the evidence presented at the hearing.

B. Any person aggrieved by any final decision of the Health Director in the administration or enforcement of this chapter may appeal such decision to the district court as provided by state law.

Section XXVIII. PENALTY.

Any person who is found to have violated any provision of this resolution or any design standard adopted in County Resolution No. 02-31 hereunder shall be subject to the penalties provided in Neb. Rev. State. 23-174 and 23-114.04 as amended~~. a fine of no more than $500.00, or imprisonment in the county jail for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation of this chapter continues is punishable as a separate and distinct offense.~~ In addition to any penalty sought or obtained under this resolution or other applicable law, the County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this chapter.

Section XXIX. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

Section XXX.

That all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.

Section XXXI.

This resolution shall take effect and be in force on …..

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING PROCEDURES FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY IN LANCASTER COUNTY, NEBRASKA	)	RESOLUTION NO. R-13-0064

WHEREAS, pursuant to Neb.Rev.Stat. §23-174.10 (Reissue 2007), the Lancaster County Board of Commissioners has authority to adopt regulations to promote the public health, safety and welfare, which shall apply to all of the county except within the limits of any incorporated city or village and except within the unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction; and

WHEREAS, the County Board adopted procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County on February 28, 2006, under County Resolution No. R-06-0005; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended that Resolution No. R-06-0005 be updated in its entirety to reflect the most current version of the procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on October 15, 2013, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of

Lancaster County, that the procedures for inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska, as provided in Attachment "A," are hereby adopted, and shall become effective November 5, 2013.

BE IT FURTHER RESOLVED, that County Resolution No. R-06-0005 is hereby superseded and that all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of October, 2013, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 15 day of
October, 2013.

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

Attachment "A"

PROCEDURES FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY IN LANCASTER COUNTY, NEBRASKA

The procedures outlined herein define and regulate the inspection of on-site systems prior to the sale, transfer or conveyance of property within the unincorporated areas in Lancaster County outside of the incorporated cities and villages and their jurisdictional areas; authorize the issuance of permits; repeal any previous resolution or section thereof in conflict herewith; require registration of those who inspect on-site systems; and provide penalties for violations.

Section I. PURPOSE

The Board of County Commissioners of Lancaster County finds that properly planned, constructed, installed, operated and maintained on-site water supply systems and on-site wastewater treatment systems:

A. Promote the health and welfare of the citizens of this county by preventing the pollution of ground and surface water;

B. Prevent nuisances;

C. Eliminate hazards to the public health by minimizing pollution of water supplies and hazards to recreational areas;

D. Minimize disease transmission potential; and

E. Minimize economic impact to the county and the public resulting from on-site water system and on-site wastewater treatment system failures.

It is therefore, declared to be the public policy of this county to ensure a safe and adequate supply of drinking water for those homes served by an on-site water supply system, ensure the adequate treatment and disposal of sewage from premises served by an on-site wastewater treatment system and eliminate and prevent health and safety hazards by regulating the operation and maintenance of on-site water supply systems and on-site wastewater treatment systems, requiring permitting of those who inspect on-site systems; and providing penalties for violations.

The intention of this resolution is not to cause existing permitted on-site systems that are in substantial conformance (pose a minimal likelihood of degradation of groundwater or surface water, or risk to public health) to be brought into compliance with County Resolution R-13-0062 On-site Wastewater Treatment Systems, and any amendments thereto (hereinafter referred to as R-13-0062) and County Resolution 02-31 Regulations for Operation and Maintenance of On-site Wastewater Treatment Systems, and any amendments thereto (hereinafter referred to as C.R. 02-31).

Section II. DEFINITIONS

Definitions for purposes of this resolution shall include definitions provided in R-13-0062 and C.R. 02-31; and shall also include the following:

AUTHORIZED AGENT shall mean a real estate agent, Property Transfer Inspector, or any individual or corporation authorized, in writing, to act as the legal representative in all matters authorized by the owner.

BUSINESS DAY shall mean any day, Monday through Friday, except official county holidays or a day during which the county does not operate for any reason.

FAILURE OF AN ON-SITE WATER SUPPLY SYSTEM shall mean (1) an unsafe water sample; (2) substantial nonconformance with water well construction requirements in Title 178 NAC 12; (3) substantial nonconformance with water well location from contamination source requirements in Title 178 NAC 12.

ON-SITE SYSTEM (OS) shall mean an On-site Wastewater Treatment System (OWWTS) and/or an On-site Water Supply System (OWSS).

ON-SITE WATER SUPPLY SYSTEM (OWSS) shall mean a private or shared well for domestic purposes.

OWNER shall mean any person who is an owner of record or a trustee under a deed of trust or similar trust document.

PROPERTY TRANSFER INSPECTOR shall mean any person meeting the requirements of a Property Transfer Inspector per this resolution and possessing a valid permit issued by the Lincoln-Lancaster County Health Director.

PUMPER shall mean a person that is certified by the Nebraska Department of Environmental Quality under Title 124 NAC as an On-site Wastewater Treatment System Professional in the category of Pumper.

TITLE 124 NAC shall mean the Nebraska Administrative Code Title 124 (Nebraska Department of Environmental Quality Title 124 - Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems).

TITLE 178 NAC 10 shall mean the Nebraska Administrative Code Title 178 Chapter 10 (Nebraska Department of Health and Human Services Title 178 Environmental Health, Chapter 10 - Regulations Governing Licensure of Water Well and Pump Installation Contractors and Certification of Water Well Drilling and Pump Installation Supervisors, and Water Well Monitoring and Natural Resources Ground Water Technicians).

TITLE 178 NAC 12 shall mean the Nebraska Administrative Code Title 178 Chapter 12 (Nebraska Department of Health and Human Services Title 178 Environmental Health Chapter 12 - Water

Well Construction, Pump Installation and Water Well Decommissioning Standards).

TITLE 179 NAC 3 shall mean the Nebraska Administrative Code Title 179 Chapter 3 (Nebraska Department of Health and Human Services Title 179 Public Water Systems Chapter 3 - Monitoring and Analytical Requirements).

UNSAFE WATER SAMPLE shall mean a water sample which tests positive for coliform bacteria, or exceeds 10 mg/l Nitrate-Nitrogen, or which exceeds the Maximum Contaminant Level (MCL) for any other contaminant as established by the U.S. Environmental Protection Agency or Nebraska Department of Health and Human Services for a public water supply.

Section III. INSPECTION REQUIRED; EXCEPTIONS

Prior to the sale, transfer or conveyance of property upon which an OS is located, it shall be the duty of the owner to have each OS inspected per this resolution by a Property Transfer Inspector and secure a determination letter as provided in Section VII of this resolution. An inspection is not required for the following:

A. When a determination letter approving an OS was issued within the preceding 36 months of the transfer.

B. When a new OS was installed in compliance with R-13-0062 and C.R. 02-31 within the preceding 36 months of the transfer.

C. A transfer creating or ending a joint tenancy or tenancy in common if at least one person is an original owner of the property or his or her spouse, including a transfer from one spouse to another, or a change in ownership solely to exclude a spouse.

D. Where structures on the property will not be occupied and are to be demolished after property is sold, transferred, or conveyed.

E. A transfer to establish, release, or foreclose a security interest.

F. A transfer by intestate, will, or trust to an heir, devisee, or beneficiary.

G. A transfer by warranty deed or quitclaim deed between immediate family members, including parents, grandparents, grandchildren, siblings, and children (including adopted children and stepchildren).

Section IV. INSPECTION OF ON-SITE WASTEWATER TREATMENT SYSTEMS (OWWTS)

A. An inspection of an OWWTS by a OWWTS Property Transfer Inspector shall consist of determining compliance with R-13-0062, C.R. 02-31, Title 124 NAC, and the following:

1. The septic tank shall be inspected to determine the depth of the sludge layer and scum layer; and
2. The soil absorption field shall be visually inspected for signs or evidence of

failure; and

3. The soil absorption field shall be probed to determine the location of laterals and to check for excess effluent.

B. An inspection of a wastewater lagoon by an OWWTS Property Transfer Inspector shall consist of determining compliance with R-13-0062, C.R. 02-31, Title 124 NAC, and the following:

1. The dike shall be inspected for the presence of animal burrows, damage, cracks or crevices, and evidence of wastewater lagoon overflow or over-the-ground surface water inflow; and
2. The wastewater lagoon shall be inspected for the presence of cattails, other emergent plants, and trees that might damage the wastewater lagoon seal or dike construction.

Section V. INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS (OWSS)

A. An inspection of an OWSS by an OWSS Property Transfer Inspector shall consist of:

1. Determining compliance with Title 178 NAC 12; and
2. Taking water samples from the OWSS and having such water samples analyzed for coliform bacteria, fecal coliform bacteria and Nitrate-Nitrogen to determine compliance with Title 179 NAC 3.

B. Further water analysis may be required by the Health Director in cases of unsafe water samples, or in areas known or suspected to have contamination which could impact human health. Analysis may include testing for organic or inorganic chemicals. All such sampling and analysis shall be in compliance with Title 179 NAC 3.

Section VI. INSPECTION REPORTS; REQUIREMENTS

A. The Property Transfer Inspector shall submit to the Department a signed property inspection report on forms approved by the Health Director. Inspection reports shall include, but are not limited to:

1. The street address and the legal description of the property.
2. The parcel identification number.
3. The name of the owner or authorized agent.
4. The location of the OS.
5. Proximity to sources of contamination.
6. A description of the current operational or functional status of the OS.
7. Identification of any necessary repairs or replacement of all or portions of the OS.
8. Results of the OWSS water analysis, where applicable.
9. Other relevant observations related to the system(s), and potential health or environmental hazards, or nuisance conditions.
10. Signature of Property Transfer Inspector.

B. In the event that a complete inspection of the OWWTS cannot occur prior to the sale, transfer, or conveyance of property due to inclement weather conditions, the Property Transfer Inspector shall submit to the Health Director a signed written statement indicating what elements of the inspection could not be completed.

C. The Property Transfer Inspector shall provide a copy of the inspection report to the owner or authorized agent.

D. The inspection report filed with the Department shall be considered a public record.

Section VII. REVIEW OF INSPECTION REPORT BY HEALTH DIRECTOR; DETERMINATION LETTER

A. Upon receipt of an inspection report and review fee, the Health Director will:

1. Document the day of receipt of the inspection report.
2. Review and evaluate the inspection report.
3. Provide a written or electronic determination letter to the owner or authorized agent within five (5) business days after receipt of the inspection report and review fee. The determination letter will issue:

    i. The approval of the OS to mean the structure and operational status are in substantial conformance with R-13-0062, C.R. 02-31, Title 124 NAC and/or Title 178 NAC 12; or
    ii. The denial of the OS to mean the OS adversely affects or may adversely affect the public health and/or the environment; or
    iii. An inability to approve or deny the OWWTS based upon receipt of a signed

B. The owner or authorized agent is considered notified of the determination letter when the Health Director sends it by U.S. mail to the owner's or authorized agent's last known mailing address.

C. If the owner or authorized agent disputes the Health Director's determination, the owner or authorized agent shall have the right to a hearing and appeal as provided in this resolution. A hearing or appeal does not stay the effect of the Health Director's determination.

Section VIII. INSPECTIONS AND ENFORCEMENT; RIGHT OF ENTRY

A. The Health Director is hereby authorized and directed to make such inspections as are necessary to determine compliance with this resolution.

B. Upon presentation of proper credentials the Health Director may enter at reasonable times any building, structure, or property in the county to determine compliance with the requirements of this resolution. It shall be unlawful for any owner or occupier of the property or person in charge of the property to deny right of entry to the Health Director to make such inspection.

Section IX. PROPERTY TRANSFER INSPECTOR PERMIT; REQUIREMENTS

A. Application for a permit for a Property Transfer Inspector shall be made to the Health Director on forms furnished by the Health Director. Such forms shall require the name, address, business address, daytime phone number of the applicant, which permit the applicant is applying for, and such other relevant information as may be required by the Health Director. The applicant shall complete the required forms.

B. A Property Transfer Inspector may be permitted in two categories: On-site Water Supply Systems (OWSS) and/or On-site Wastewater Treatment Systems (OWWTS).

1. OWSS Property Transfer Inspector. A person shall be certified in the State of Nebraska under Title 178 NAC 10 as a Water Well Contractor, a Water Well Drilling Supervisor, a Pump Installation Contractor or a Water Well Monitoring Technician.
2. OWWTS Property Transfer Inspector. A person shall be certified by the State of Nebraska under Title 124 NAC as a Site Evaluator or Inspector, shall be a Journeyman Installer or Master Installer under R-13-0062.

C. The applicant shall be required to take a Property Transfer Inspector training program and the Property Transfer Inspector Exam. Both the training program and exam must be approved by the Health Director.

D. The Health Director shall issue a permit if:

1. The applicant has properly completed the required application forms; and
2. The applicant possesses the required certification requirements for the permit; and
3. The applicant has paid the required permit fee; and
4. The applicant has provided proof insurance meeting the requirements of this resolution; and
5. The applicant has satisfactorily completed the training program and passed the exam.
6. The applicant agrees to supplement all pertinent information, including applicant's address, business address, phone number, and such other information as the Health Director requires.

E. The permit shall remain in force for two (2) years from its date of issue, unless suspended or revoked. The permit may be renewed without an exam, by paying the required fee, and providing documentation of required certification. Any person who does not renew their permit prior to or on the date of expiration shall complete a new permit application, pay the required fee, and pass the exam.

F. Any person whose application for a Property Transfer Inspector permit has been denied by the Health Director shall be notified in writing as to the denial. Such person may within ten (10) business days after receipt of denial request a hearing before the Health Director to be held in compliance with this resolution.

Section X. CERTIFICATE OF INSURANCE

A. Before any Property Transfer Inspector may be issued a permit under the provisions of this resolution, such Property Transfer Inspector shall be required to purchase and maintain a

policy of insurance sufficient in coverage and amount to fully satisfy any judgments and pay any and all liabilities, judgments, claims, and related expenses that may arise in connection with services provided under the provisions of this resolution. At a minimum, such insurance shall include:

1. Workers' Compensation Insurance fully insuring its employees as required by law. Said insurance shall be obtained from an insurance company which is authorized to do business in the State of Nebraska.

2. Commercial or Comprehensive General Liability Insurance, naming and protecting the Property Transfer Inspector, Lancaster County, and the Lincoln-Lancaster County Health Department against claims for damages resulting from (i) bodily injury, including wrongful death; (ii) personal injury liability; and (iii) property damage which may arise from services provided under the provisions of this resolution. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

   $1,000,000 Each Occurrence
   $1,000,000 Personal Injury
   $2,000,000 Aggregate

B. All Certificates of Insurance shall be subject to review and approval by the County Attorney's Office. All Certificates of Insurance shall be filed with the Health Department on the standard ACCORD Certificate of Insurance form showing the specific limits of insurance required by the preceding subsections A and B, and showing Lancaster County and the Lincoln-Lancaster County Health Department as additional insured. Such certificate shall specifically state that insurance policies are to be endorsed to require the insurer to provide the County and the Health Department with thirty (30) days notice of cancellation, non-renewal or any material reduction of insurance coverage. Any termination, reduction, or lapse of such insurance shall be grounds for suspension or revocation of the Property Transfer Inspector's permit, unless other insurance satisfying the requirements of this section is provided and is in full force and effect at the time of such expiration or cancellation.

Section XI. FEES

A. Fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by Health Director $200.00

B. Property Transfer Inspector permit fees:

On-site Wastewater Treatment System (OWWTS) Property Transfer Inspector	$30.00
On-site Waste Supply System (OWSS) Property Transfer Inspector	$30.00
Both OWWTS & OWSS	$30.00

All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. No fees will be refunded.

Section XII. PROPERTY TRANSFER INSPECTION; PERMIT REQUIRED

It shall be unlawful for any person other than a Property Transfer Inspector or an authorized representative of the Health Director that is currently a Registered Environmental Health Specialist in the State of Nebraska to inspect any OS prior to transfer, sale or conveyance of property as required by this resolution.

Section XIII. PROPERTY TRANSFER INSPECTOR PERMIT; SUSPENSION, REVOCATION

It shall be a condition of the Property Transfer Inspector permit issued under this resolution that it may be suspended or revoked at any time by the Health Director for a violation of Title 124 NAC, Title 178 NAC 10, Title 179 NAC 3, or any of the provisions of this resolution. A permit granted under this resolution shall be subject to suspension or revocation in the following manner:

A. The Health Director shall notify the person holding the Property Transfer Inspection Permit to be suspended or revoked as provided in Section XVI.

B. The Health Director may suspend the permit for an appropriate period of time not to exceed ninety (90) days.

C. The suspension or revocation shall be effective immediately upon notice.

D. This person has a right to a hearing in which the Health Director shall conduct the hearing in accordance with this resolution.

E. It shall be unlawful to inspect an OS after receiving notice of suspension or revocation.

F. Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or revocation in any manner.

Section XIV. PROPERTY TRANSFER INSPECTOR PERMIT; REINSTATEMENT OF PERMIT

A. Any person whose Property Transfer Inspector Permit has been suspended may apply to have the permit reinstated after the suspension period has expired. The person shall pass the exam and provide a statement signed by the person that the conditions causing suspension of the permit have been corrected.

B. Any person whose Property Transfer Inspector Permit has been revoked may apply for a new permit after 90 days. The person shall complete a new permit application, pay the required fee, pass the exam, and provide a statement signed by the person that the conditions causing revocation of the permit have been corrected.

Section XV. ENFORCEMENT HEARINGS

A. Unless this resolution provides otherwise, the Health Director shall conduct hearings allowed or required under this resolution as soon as practicable, but in no event later than:

1. Three (3) business days after a request for hearing to appeal a permit suspension or revocation; or
2. Five (5) business days after any other request; or

3. At an agreed upon time frame if such is requested by the person for whom the hearing is being held.

B. The Health Director shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

C. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;
3. Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and
4. Rebut evidence.

D. The Health Director may uphold, reverse, or modify the act or findings prompting the request or the Health Director may take such other reasonable action as the Health Director may determine proper related to the request.

E. The Health Director shall make a final determination within ten (10) business days after the hearing.

F. The Health Director's decision shall be final and binding upon the County and upon the person making the request. The Health Director's decision may be appealed to the district court as provided by state law.

Section XVI. NOTICE; SERVICE

A. The Health Director may serve notice authorized or required by this resolution as follows:

1. By personal service to the person holding the Property Inspector Permit; or
2. By certified mail, postage prepaid, return receipt requested to the last known address of the person holding the Property Inspector Permit.

B. The person making personal service may provide a written declaration, under penalty of perjury, identifying the person served and the time, date, and manner of service as proof of service.

C. After a request for a hearing, the Health Director shall provide notice of the time, place and date for said hearing and shall identify the provisions of this resolution alleged to be violated and the facts alleged to constitute such violation.

Section XVII. PENALTY

Any person who is found to have violated any provision of this resolution shall be subject to the penalties provided in Neb. Rev. Stat. § 23-174 and § 23-114.05, as amended. In addition to any penalty sought or obtained under this resolution or other applicable law, the County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this resolution.

Section XVIII. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

Section XIX. EFFECTIVE DATE

This resolution shall take effect and be in full force on November 5, 2013.

FACT SHEET

TITLE:
County Resolution amending CR No. R-06-0005 Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska

SPONSOR:
Health Department

OPPONENTS:
None specifically identified

STAFF RECOMMENDATION:
For

OTHER DEPARTMENTS AFFECTED:
None

APPLICANT:
Health Department

REASON FOR LEGISLATION:
To update County Resolution CR No. R-06-0005 Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska by amending Section X. Fees and re-adopting all of the sections of the existing regulations to provide a single document with all current regulations and fees.

DISCUSSION

Incremental fee increases are proposed for the review cost for regulation of property transfers with onsite systems, which address operational costs. No increase is proposed for individual Property Transfer Inspector permit fees. This revenue will allow the Department to provide required services, including reviews, inspections, education, and investigations, and to protect the public from illness and the spread of disease. This revenue was part of the FY 13/14 Budget that was approved by the joint budget committee.

In addition, we are asking the County Board to re-adopt the entire set of regulations so that the official record consists of a single document with all regulations and current fees.

POLICY OR PROGRAM CHANGE: No

COST OF TOTAL PROJECT: Projected revenue change will be a total of $1055.

SOURCE OF FUNDS: User Fees

FACT SHEET PREPARED BY: Scott E. Holmes, REHS, MS
Environmental Public Health Division Manager

REVIEWED BY: Judith A. Halstead, MS, Health Director

CR No. R-06-0005
Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, Nebraska

Section X. FEES

(a) Fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by Health Director .~~$195.00~~$200.00

(b) Property Transfer Inspector permit fees:

On-site Wastewater Treatment System (OWWTS) Property Transfer Inspector $30.00

On-site Waste Supply System (OWSS) Property Transfer Inspector $30.00

Both OWWTS & OWSS $50.00

All fees are payable to the Lincoln-Lancaster County Health Department and shall be credited to the Health Fund. No fees will be refunded.

BEFORE THE BOARD OF COUNTY COMMISSIONS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING)
THE LANCASTER COUNTY AIR) RESOLUTION NO. R-13-0073
POLLUTION CONTROL RESOLUTION)

WHEREAS, it is hereby declared to be the public policy of Lancaster County to achieve and maintain reasonable levels of air quality which will protect human health and safety, by working cooperatively with industries and other entities to prevent injury to plant, animal life, and property; and to promote the public safety, health and welfare of its inhabitants; and

WHEREAS, the need to prevent excessive emission potential air contaminants in the area of Lancaster County (except the City Lincoln and the area over which it exercises zoning jurisdiction), and the resultant effect upon the public safety, health and welfare, requires adoption of a comprehensive and integrated air pollution control program; and

WHEREAS, to achieve the above stated goals, the Lancaster County Board of Commissioners adopted the Lancaster County Air Pollution Control Resolution of 1993 on November 16, 1993 under County Resolution No. 5069; and

WHEREAS, the Lincoln-Lancaster County Health Department has recommended that the previously adopted Lancaster County Air Pollution Control Resolution of 1993, Resolution No. 5069, be updated in its entirety to reflect the most current version of the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," attached hereto and incorporated by this reference.

WHEREAS, on December 10, 2013, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding the adoption of the updated Lancaster County Air Pollution Control Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, that the Lancaster County Air Pollution Control Resolution, as provided in Attachment "A," is hereby adopted, and shall become effective upon execution of this Resolution by the Board.

BE IT FURTHER RESOLVED, that County Resolution No. 5069 is hereby superseded and that all other resolutions and parts of resolutions in conflict herewith be and they are hereby replaced.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this _____ day of December, 2013, in the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM
this 10 day of
December, 2013.

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

Hudkins Absent

ATTACHMENT “A”

LANCASTER COUNTY AIR POLLUTION CONTROL RESOLUTION

Section 1. Title. This Resolution shall be known and referred to as "The Lancaster County Air Pollution Control Resolution." Resolution Number 5069 entitled "The Lancaster County Air Pollution Control Resolution of 1993" and any amendments thereto are hereby rescinded.

Section 2. Purpose. It is the intent and purpose of this Resolution to provide methods and procedures for the control of air pollution; to achieve and maintain the National Ambient Air Quality Standards; to empower the Director to investigate and abate violations of said standards and regulations; to prescribe the duties of the Director and the Air Pollution Control Advisory Board; and to prescribe penalties for violations of this Resolution as adopted in accordance therewith. In addition to powers conferred elsewhere in the laws of the state and notwithstanding any other law of the state, the Director shall have the power to implement and enforce an air pollution control program within the Lancaster County under subsection (23) of Section 81-1504 or subsection (1) of Section 81-528 which program shall be consistent with the Clean Air Act (Act), as amended (42 U.S.C. 7401 et seq.). This Resolution together with the Lincoln-Lancaster County Air Pollution Control Program adopted by Resolution No. R-13-_____, and all amendments thereto, implemented by an interlocal agreement with the City of Lincoln comprise the Lancaster County Air Pollution Control Program.

Section 3. Definitions. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases shall have the following meanings:

Act shall mean the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

Air contaminant or air contamination shall mean the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, odor, vapor, gas, or other gaseous fluid, or particulate substance matter differing in composition from or exceeding in concentration the natural components of the atmosphere.

Air pollutant or air pollution shall mean the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof present in the atmosphere in such quantities and of such duration as are or may tend to be injurious to human, plant, or animal life.

Air Pollution Control Program shall mean this Resolution and the Lincoln-Lancaster County Air Pollution Control Program adopted by Resolution No. R-13-_____, and all amendments thereto, and implemented by an interlocal agreement by the City of Lincoln and County of Lancaster to implement and enforce the Act.

Ambient air shall mean the portion of the atmosphere, external to buildings, to which the general public has access.

Board of Health shall mean the Lincoln-Lancaster County Board of Health.

Complaint shall mean any charge, however informal, to or by the Department that any person or agency, private of public, is polluting the air or is violating the provisions of the Air Pollution Control Program.

Control and controlling shall mean prohibition of contaminants as related to air pollution.

Department shall mean the Lincoln-Lancaster County Health Department.

Director shall mean the Health Director of the Lincoln-Lancaster County Health Department, or any representatives, agents, or employees of the Director.

Emissions shall mean releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

Garbage shall mean all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in, or storage of meats, fish, fowl, fruits, vegetables, cereals, or grains for human consumption, and coffee or tea grounds.

Odor shall mean that property of an air contaminant detectable by the Department, beyond the boundary line of the property on which the source is located.

Odorous emission shall mean any objectionable odor detectable upon investigation by the Department beyond the boundary line of the property on which the source of the emission is located. Odorous emission shall not include odors from:

(1) Single family dwellings;

(2) Restaurants other establishments for the purpose of preparing food employing less than five persons;

(3) Materials with odors added for safety purposes;

(4) Necessary materials where no suitable substitute is available and where the best modern practices to minimize odor are employed.

Open burning shall mean the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

Owner or operator shall mean any person who owns, leases, operates, controls, or supervises a stationary source.

Person shall mean any individual, partnership, limited liability company, firm, association, public or private corporation, trustee, receiver, assignee, estate, public, or private institution, group, public or private agency, municipality or other governmental subdivision, political subdivision of this state, any other state or political subdivision or agency thereof of any legal successor, representative, agent or agency of the foregoing.

Refuse shall mean and include garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves and grass, and any other waste matter or material which accumulates in the conduct of a household, business establishment, shop, or factory of any kind or nature, and any other combustible waste material containing carbon in a free or combined state.

Salvage operation shall mean any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

Source shall mean any factory, grain elevator, machine, industrial plant, real or personal property, or person contributing to air pollution.

Stationary source shall mean any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation by the Act or by the Lincoln Lancaster County Air Pollution Control Program Regulations and Standards.

Section 4. Director Powers and Duties.

(a) The duties of the Director shall include the investigation, prevention, and abatement of air pollution from any source and enforcing the provisions of the Air Pollution Control Program.

(b) The Director shall have the power and duty to:

(1) Make such inspections and tests as the Director deems necessary to determine compliance with the provisions of the Air Pollution Control Program and to require the submission of air contaminant emission information in connection with such inspections, tests, and studies.

(i) Reports shall be made on forms furnished by the Department.

(ii) Director shall determine what information is required for reporting purposes, the persons to submit the information required, and the means maintaining current status of the information. All emission data furnished to or obtained by the Department concerning one or more air contaminant sources shall be made

available during business hours for inspection by the public as provided by the Act.

(2) Exercise general supervision of the administration and enforcement of the Act and the Air Pollution Control Program;

(3) Develop comprehensive programs for the prevention, control, and abatement of new or existing sources of air pollution;

(4) Advise, consult, and cooperate with other agencies of the state, the federal government, and with affected groups, political subdivisions, and industries;

(5) Act as the local air pollution agency, for all purposes of the Act and any other federal legislation pertaining to loans or grants for environmental protection and from other sources, public or private, for carrying out any of its functions, which loans and grants shall not be expended for other than the purposes for which provided;

(6) Collect and disseminate information and conduct educational and training programs relating to air pollution and the prevention, control, and abatement of such pollution;

(7) Issue, modify, or revoke orders:

(i) Prohibiting or abating discharges of air pollutants;

(ii) Requiring the construction of control systems or any parts thereof or the modification, extension, or adoption of other remedial measures to prevent, control, or abate air pollution;

(8) Perform the following:

(i) Hold hearings required by the Air Pollution Control Program and give notice thereof,

(ii) Administer oaths, and

(iii) Make such testimony as the Director deems necessary.

(iv) Any of these powers may be exercised on behalf of the Director by a hearing officer designated by the Director;

(9) Require under such conditions as the Director may prescribe, the submission of such plans, specifications, and other information as the Director deems necessary to carry out the Air Pollution Control Program. When deemed necessary by the Director, such plans and specifications shall be prepared and submitted by a professional engineer duly registered to practice in the State of Nebraska. Nothing in this section shall be construed to authorize the Director to specify the type, design, method of installation, or type of construction of any equipment of manufacturing processes;

(10) Issue, continue in effect, revoke, modify, or deny permits, under such conditions as the Director may prescribe and consistent with the Act and the Air Pollution Control Program:

(i) To prevent, control, or abate air pollution,

(ii) For the discharge of air pollutants, and

(iii) For the installation, modification, or operation of control systems or any parts thereof;

(11) Require proper maintenance and operation of control systems;

(12) Exercise all incidental powers necessary to carry out the purposes of the Act and the Air Pollution Control Program;

(13) Require access to existing and available records relating to:

(i) Emissions or discharges which cause or contribute to air pollution; or

(ii) The monitoring of such emissions or discharges;

(14) Obtain such scientific, technical, administrative, and operational services including laboratory facilities, by contract or otherwise, as the Director deems necessary;

(15) Encourage ,voluntary cooperation by persons and affected groups to achieve the purposes of the Act and the Air Pollution Control Program;

(16) Consult with any person proposing to construct, install, or otherwise acquire an air contaminant source or a device or system for control of such source, upon request of such person, concerning the efficacy of such device or system or concerning the air, land, or water pollution problem which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with the Act or the Air Pollution Control Program, or any other provision of law;

(17) Require all persons engaged or desiring to engage in operations which result or which may result in air pollution to secure a permit prior to installation or operation or continued operation;

(18) Enter and inspect or cause to be inspected, during reasonable hours, any building, facility, or place, as provided in the Uniform Inspections Code;

(19) Receive or initiate complaints of air pollution, hold hearings in connection with air pollution, and institute legal proceedings for the control or prevention of air, water, or land pollution, and for the recovery of penalties, in accordance ,with the Act and the Air Pollution Control Program;

(20) Conduct tests and take samples of air contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source, giving the owner or operator a receipt for the sample obtained;

(21) Develop and enforce compliance schedules, under such conditions as the Director may prescribe and consistent with the Act and the Air Pollution Control Program to present, control, or abate air pollution;

(22) Advise planning agencies regarding air use aspects of plans and planning functions in order to prevent land use conflicts with air quality needs;

(23) Conduct studies to determine what is necessary to meet assigned responsibilities;

(24) Advise bodies with zoning responsibilities and make recommendations concerning both proposed and adopted zoning regulations affecting air pollution control;

(25) Make recommendations for revisions of this Resolution and the Air Pollution Control Program;

(26) Administer grants or other funds or gifts received for the purpose of carrying out any of the purposes of the Air Pollution Control Program, subject to the laws, regulations and resolutions of the State of Nebraska and the County of Lancaster; and

(27) Consult with the Air Pollution Control Advisory Board and the Lancaster County Board of Commissioners on matters pertaining to the Air Pollution Control Program.

Section 5. Air Pollution Control Advisory Board; Appointment and Duties

As provided for in the Lincoln-Lancaster County Air Pollution Program:

(a) The Mayor of the City of Lincoln shall appoint, with approval of the Lincoln City Council and the Lancaster County Board of Commissioners, an advisory board of nine members, four of whom shall be from industry. The Director and a member of the Lancaster County Board of Commissioners shall be ex officio members of the advisory board, and the Director shall serve as secretary to the advisory board. The City Attorney or a designated representative, and the Planning Director or a designated representative, shall advise the advisory board as necessary.

(b) The members of the advisory board shall serve for a period of three years. Three original appointees to the advisory board shall serve a term of one year each; three original appointees to the advisory board shall serve a term of two years each; and three original appointees to the advisory board shall serve a term of three years each. Thereafter, all

appointments to the advisory board shall be for a term of three years each. Annually, the advisory board shall organize itself by the election from its membership of a president and vice-president who shall not be an ex officio member. The advisory board shall adopt its own rules and regulations for the conduct of its meetings. The advisory board shall meet at least annually and in addition, shall meet at the call of its president, the Mayor, the City Council, the Lancaster County Board of Commissioners, and the Board of Health, or upon written request signed by five of its members and filed with the secretary of the board.

(c) The advisory board shall advise the Mayor, City Council, the Lancaster County Board of Commissioners, and the County Board of Health with respect to needed revision in this or any other resolution and on matters concerning the Air Pollution Control Program, and when necessary submit written evaluations of both the Air Pollution Control Program and the Department to the Mayor, City Council, the Lancaster County Board of Commissioners, and the Board of Health.

Section 6. Procedure for Abatement.

If the Director has determined by observation or tests that any act violates the provisions of this Resolution, a violation notice may be issued to the owner, operator, or the agent of either the owner or operator of any source of air pollution. The violation notice shall state the violation and specify the date by which the violation shall be corrected.

If the conditions causing the violation have not been rectified by the time described in the violation notice, the Director may refer the matter to the office of the County Attorney, and the County Attorney may institute the necessary legal proceedings in a court of competent jurisdiction for the purposes of assessing penalties or obtaining an injunction, or both, to secure compliance with the provisions of this Resolution.

Section 7. Appeal Procedure.

(a) Any person who is aggrieved by a decision, notice, or order of the Director may appeal such decision, notice, or order

(b) Enforcement of any decision, notice, or order of the Director shall be stayed during the pendency of any appeal properly and timely filed except in cases of emergency as defined by the Air Pollution Control Program or other applicable law.

Section 8. Variance.

Whenever it has been demonstrated to the Director that compliance with this Resolution cannot be effectively and promptly made, the Director may grant a variance as provided in the Air Pollution Control Program.

Section 9. Inspections; How Conducted.

All inspection, survey and examinations of premises conducted pursuant to the provisions of this Resolution relating to air pollution control shall be conducted in accordance with the provisions of the Uniform Inspections Code.

Section 10. Issuance of Building Permit.

No building permit to commence construction or modification of any source for which an application is required under the Air Pollution Control Program shall be issued by the Department of Building and Safety until the Director has issued a permit for construction or modification of the source.

Section 11. Odor Nuisances Prohibited.

(a) It shall be unlawful to cause or permit odorous emissions from any source except animal confinement and feeding operations. Such violation may be established as follows:

(1) Upon complaint of the Director that the odorous emission endangers or tends to endanger the health or safety of the public, or that such emission is unreasonably offensive or objectionable causing unreasonable interference with the use or enjoyment of affected property; or

(2) Upon complaint of three or more unrelated people within a thirty-day period at their residences that any detectable odor endangers or potentially endangers health, safety or welfare or is unreasonably offensive or objectionable causing unreasonable interference with the use or enjoyment of the complainant's property.

(b) It shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. Such emissions shall not be a violation where:

(1) The owner or operator has employed all reasonable techniques to minimize odor;

(2) The operation is in compliance with all applicable regulations adopted by the state and zoning regulations of the County;

(3) The complaint is filed by a person other than a person in lawful possession of the land claimed to be affected by the odor; and

(4) The complaint is filed by a person who acquired lawful possession of the affected land after the owner or operator began lawful operation.

Section 12. Open Burning.

(a) Within Lancaster County, except the City of Lincoln and the area over which the City of Lincoln exercises zoning jurisdiction, the open burning of refuse and salvage materials shall be regulated as follows:

(1) Residential, rural residential, agricultural, and common-carrier right-of-way open burning:

(i) It shall be unlawful to cause, suffer, allow or permit open burning of refuse on residential, rural residential, agricultural (farm) property or common-carrier right-of-way, when the nearest boundary of the burning site is within one hundred (100) yards of an occupied dwelling, an occupied business structure, school or other institution, park or recreational area, other than what is located on the property where proposed open burning is to take place without first obtaining a Burn Permit as hereinafter provided in Section 13 of this Resolution.

(ii) Any refuse burned shall be indigenous to the property of the owner or person in lawful possession of the land.

(2) Industrial, commercial (other than salvage operations), institutional (to include schools, hospitals, churches, and related facilities), governmental and community solid waste disposal open burning:

(i) It shall be unlawful for governmental, industrial or commercial enterprise, or institutions, or on community solid waste disposal sites, to cause open burning of refuse without having a permit to do so issued by the Director as hereinafter provided in Section 13 of this Resolution.

(3) It shall be unlawful to intentionally burn any house, barn, shed and other structure without having a permit to do so issued by the Director as hereinafter provided in Section 13 of this Resolution.

(b) Except as herein provided, regardless of whether a permit for open burning has been issued or not, and regardless of whether neighboring properties are affected or not, it shall be unlawful for any person, or industrial, commercial, government or institutional facility, or

solid waste disposal site within Lancaster County to cause, permit, or allow any of the following:

(1) Burn any garbage or salvage material. Permits shall not be issued for the burning of such materials.

(2) Conduct any open burning which allows smoke from the fire to travel onto any street, road or highway in such a way as to obscure the vision of any person operating a vehicle on that street, road or highway.

(3) Except as permitted by the Director for fire training purposes, burn or use to start the burning process, any of the following materials:

(i) Gasoline, diesel oil, heavy oil, solvents, or other flammable petroleum products.

(ii) Treated wood of any kind including railroad ties, treated posts, utility poles, wood paneling and particle board.

(iii) Plastic and items containing plastic of any kind.

(iv) Rubber and asphaltic products including rubber tires roofing shingles, tar paper, asphaltic siding and sheeting and items containing rubber or asphaltic compounds.

(v) Any material being burned for the purpose of salvaging all or part of said material.

(vi) Any other chemical material which produces highly toxic smoke or fumes which may endanger the public or firefighters called to extinguish the fire.

(4) Conduct open burning which permits smoke from the fire to travel onto a neighboring property, park or recreational area where it becomes a public nuisance to people who occupy the neighboring dwelling, business structure, or are using the park or recreational area.

(c) The Director or the chief of the appropriate fire department may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous to health, welfare or safety of persons or property, and all permits for burning shall be subject to such prohibition or cancellation.

(d) Any person who conducts open burning in Lancaster County must be present at the immediate site of the open burning at all times while the burning occurs. No person shall leave said site unattended until there are no smoldering embers or the fire has been completely extinguished, or both.

(e) Within Lancaster County, it shall be prima facie evidence that the person who owns, controls, or occupies property on which open burning occurs has caused or permitted said open burning.

Section 13. Open Burning Permits.

(a) A written application shall be filed with the Director giving reasons why no other practicable method except open burning can be employed to dispose of the refuse involved, the amount and kind of refuse to be burned, the exact location where the burning will take place, including the distances to adjacent structures; and the dates or days and times when the open burning is proposed to be done. Applications from industrial or commercial businesses must be accompanied by payment of a permit fee of $140.00 per day on which burning is to take place. Said fee shall be credited to the Health Fund.

(b) The Director shall immediately forward applications to the fire department having jurisdiction over the area in which the burning is to take place for the fire chief's approval. Upon receiving the application back from the fire department with its action noted, the Director shall act upon and notify the applicant within five (5) days.

(c) The Director is authorized to issue a permit only if:

(1) There is no other practical method except open burning which can be employed to dispose of the refuse involved, and

(2) The appropriate fire department has approved the application as meeting their fire safety requirements.

(3) The fire is being set for purposes of training firefighters who are employed by or members of a rural fire district.

(d) Applicants may be issued an extended permit covering a period of time not to exceed one year. Such permits may limit the number of times the applicant can burn in a specific time period. As a condition of issuance, specific pollution control procedures or methods may be required by the Director in order to protect the public health.

(e) It shall be unlawful for the permittee to fail to carry out any control procedures or other conditions established as criteria for issuance of the permit. Said permit may be revoked by the Director at any time a violation of this Resolution is observed or conditions of the permit are not met.

Section 14. Air Pollution Nuisance. Prohibited.

(a) The emission or escape into the open air from any source or sources whatsoever of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety, or ,welfare of the public, or is unreasonably offensive and objectionable to the public, or shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby declared to be a public nuisance. It shall be unlawful for any person to cause, permit, or maintain any such public nuisance.

(b) Nothing in any section of the Air Pollution Control Program shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance as described in this section of this Resolution.

Section 15. Penalty.

Any person who violates any of the provisions of this Resolution or who fails to perform any duty imposed by the same shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not to exceed three months or by a fine of not to exceed $500.00 recoverable with costs, or both such fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such. In default of the payment of such fine and costs, the person or, if such person is a corporation, the officers of such corporation may be imprisoned in the county jail for a period of not more than sixty days and in addition thereto may be enjoined from continuing such violation.

Section 16. Severability.

If any clause, paragraph, subsection or section of this Resolution is held invalid, it shall be conclusively presumed that the Lancaster County Board of Commissioners would have enacted the remainder of this Resolution not directly related to such clause, paragraph, subsection or section.

Section 17. Effective Date.

This Resolution shall take effect upon its execution by the Lancaster County Board of Commissioners.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING SECTION II OF COUNTY RESOLUTION NO. R-13-0064, PROCEDURES FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY IN LANCASTER COUNTY, AS PROVIDED IN ATTACHMENT "A."	)	RESOLUTION NO. R-22-0013

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County on October 15, 2013, under County Resolution No. R-13-0064; and

WHEREAS, on January 11, 2022, the Lincoln-Lancaster County Health Department has recommended an amendment to those procedures, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on February 15, 2022, the Board of Commissioners of Lancaster County, Nebraska conducted a public hearing regarding the adoption of the amendment to Resolution No. R-13-0064, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendment to County Resolution No. R-13-0064, procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property in Lancaster County, as provided in Attachment "A" is hereby adopted, and shall become effective February 15, 2022.

BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of February, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM
this 15 day of February, 2022.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

Section II. DEFINITIONS

TITLE 124 NAC shall mean the Nebraska Administrative Code Title 124 (Nebraska Department of Environmental Quality Title 124 - Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems, effective August 11, 2012).

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING SECTIONS II AND III OF COUNTY RESOLUTION NO. R-15-0004, REGULATION OF ON-SITE WASTEWATER TREATMENT SYSTEMS IN LANCASTER COUNTY, AS PROVIDED IN ATTACHMENT "A."	)	RESOLUTION NO. R-22-0014

WHEREAS, pursuant to Neb. Rev. Stat. §23-174.10 (Reissue 2012), the Lancaster County Board of Commissioners adopted procedures for the regulation of on-site wastewater treatment systems in Lancaster County on January 13, 2015, under County Resolution No. 15-0004; and

WHEREAS, on January 11, 2022, the Lincoln-Lancaster County Health Department has recommended an amendment to the procedures for regulating on-site wastewater treatment permits, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, on February 15, 2022, the Board of Commissioners of Lancaster County, Nebraska conducted a public hearing regarding the adoption of the amendments to Resolution No. R-15-0004, as provided in Attachment "A"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, the amendments to County Resolution No. R-15-0004, Regulating On-Site Wastewater Treatment Systems, as provided in Attachment "A" are hereby adopted, and shall become effective February 15, 2022.

BE IT FURTHER RESOLVED that a copy of this resolution be placed on file in the office of the County Clerk.

DATED this 15 day of February, 2022, in the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM
this 15th day of February, 2022.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

Section II. DEFINITIONS.

CERTIFIED PROFESSIONAL shall mean a private onsite wastewater treatment system professional certified under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act to perform the tasks defined in Nebraska Title 124, Chapter 20, effective August 11, 2012, for which the certification has been issued.

Section III. REQUIREMENTS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS.

Minimum requirements are hereby prescribed in this resolution together with standards and regulations adopted pursuant to this resolution governing the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems. All standards and regulations for the design, operation and maintenance of on-site wastewater treatment systems referred to herein shall be filed with the County Clerk. Except as hereinafter provided by specific amendment, the standards and regulations set forth in Neb. Rev. Stat. §§ 81-1505(8), and Nebraska Department of Environmental Quality, Title 124 Rules and Regulations For The Design, Operation and Maintenance of Onsite Wastewater Treatment Systems chapter 1, chapters 5 through 19, and chapter 20 sections 001 to 006, ~~as amended from time to time,~~ effective August 11, 2012 are hereby adopted by reference and incorporated into this resolution. No person shall construct an on-site wastewater treatment system on a property which is less than three (3) acres in size. No person shall construct, alter, extend, operate, or clean any on-site wastewater treatment system within the County of Lancaster contrary to the provisions of this resolution or design standards adopted pursuant to this resolution; no privies shall be constructed or installed for use after the effective date of the ordinance codified in this resolution. Any on-site wastewater treatment system that does not conform to the requirements of this resolution and design standards adopted pursuant to this resolution shall be designed by a Registered Master Installer or Professional Engineer (P.E.) licensed in the State of Nebraska as defined by Title 124 of the Nebraska Administrative Code.

Shaping the future of our Cities and Villages with leadership & vision



2023 ANNUAL CONFERENCE

SEPTEMBER 27-29, 2023

CORNHUSKER MARRIOTT HOTEL, LINCOLN

League of Nebraska Municipalities

Deb VanMatre

League President

Mayor, Gibbon





2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES
Cornhusker Marriott Hotel, Lincoln
Sept. 27-29, 2023

MUNICIPAL TREASURERS AND MUNICIPAL ATTORNEYS: The League will let you know as soon as the State Auditor's Office and the Mandatory Continuing Legal Education Commission inform us of the number of hours each will receive.

Tentative Conference Program (Subject to Change)

Wednesday, Sept. 27, 2023

9-11 am — **Smaller and Larger Cities Legislative Committees Meeting**

9 am-4 pm — **Fire Chiefs Section Meeting**

11:15 am — **Annual Meeting of Members of the League Association of Risk Management (LARM)**

11:30 am — **Registration** (for Preconference Seminar)

12:30-1:20 pm — **Delegate Luncheon**

1:30-4:30 pm — **PRECONFERENCE SEMINAR – Workforce Housing/Affordable Housing:** Learn about statewide efforts to provide more incentives for workforce housing and affordable housing; find out how North Platte, Sidney, and other municipalities are using incentives and their voter-approved LB 840 Plans to address their housing shortage; and learn how the City of Norfolk is establishing a landbank to create more housing stock.
Shannon Harner, *Executive Director, Nebraska Investment Finance Authority (NIFA)*
Gary Person, *President and CEO, North Platte Area Chamber and Development Corp.*
David Scott, *City Manager, Sidney*
Lane Kizzire, *Finance Director, Sidney*
Danielle Myers-Noelle, *City Attorney, Norfolk*

4:45 pm — **Meeting of the LARM Board of Directors**

Thursday, Sept. 28, 2023

7:30 am — **Registration**
Visit Display Area (Coffee and Rolls Available)

8-8:10 am — **Welcome**
League President Deb VanMatre, *Mayor, Gibbon*

8:10-9:45 am — **From Conflict to Conversation:** Must disagreement be disagreeable? Amidst unprecedented disruption and uncertainty, there's never been a more necessary time for city and village officials to learn new ways to bring people together to tackle your municipality's most complex and sensitive issues.
Matt Lehrman, *Co-Founder, Social Prosperity Partners; Nationally-Recognized Speaker*

9:45-10 am — **Break** (Visit Display Area)

10-11 am — **Recognizing and Preventing Human Trafficking in Your City or Village**
George Welch, *Assistant Attorney General and Interim Coordinator of the Nebraska Human Trafficking Task Force, Nebraska Attorney General's Office*



2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

Sept. 27-29, 2023

Thursday, Sept. 28, 2023 (con't.)

11-11:15 am — **Break** (Visit Display Area)

11:15 -12:15 am — **League Legislative Report**
***L. Lynn Rex**, Executive Director, LNM*

12:15-12:30 pm — **Break** (Visit Display Area)

12:30-2 pm — **Delegate Luncheon Honoring League Past Presidents**
*Remarks by **League President Deb VanMatre,** Mayor, Gibbon*
*Keynote Speaker: **Nebraska Secretary of State Bob Evnen***
*Presentation of Award to **Rod Storm,** Former City Administrator, Blair*

2-2:15 pm — **Break** (Visit Display Area)

2:15-3:15 pm — **Concurrent Sessions:**

A. **Cybersecurity and Infrastructure Security Agency (CISA):** Learn how your municipality can partner with CISA (at no cost) to defend against today's threats and collaborate to build a more secure and resilient infrastructure.
(Session repeated at 3:30 pm)

B. **LET'S TALK – From Conflict to Conversation:** What opportunities and challenges are you facing? This will be a candid discussion that invites attendees to seek insight and advice from their colleagues. Come prepared to "wear your heart on your sleeve" about how to engage more people and gather agreement around whatever you hope to accomplish in your city or village.
(Session repeated at 3:30 pm)

C. **Empowering Rural Communities – UNL Rural Fellows Programs and Their Potential Impact:** Discover how UNL Rural Fellows Programs can catalyze your community's growth and open new possibilities for its development.
(Session repeated at 3:30 pm)

D. **Leveraging Social Media in Your Municipality's Communication Plans:** Learn more about practices, strategies, and examples in utilizing social media to advance public communications. Social media is an essential element to any local government's communication strategy from delivering developed public information campaigns and timely communications to establishing open engagement.
(Session repeated at 3:30 pm)

3:15-3:30 pm — **Break** (Visit Display Area)

3:30-4:30 pm — **Concurrent Sessions:**

A. **Cybersecurity and Infrastructure Security Agency (CISA):** Learn how your municipality can partner with CISA (at no cost) to defend against today's threats and collaborate to build a more secure and resilient infrastructure.
(Repeat of 2:15 pm session)

B. **LET'S TALK – From Conflict to Conversation:** What opportunities and challenges are you facing? This will be a candid discussion that invites attendees to seek insight and advice from their colleagues. Come prepared to "wear your heart on your sleeve" about how to engage more people and gather agreement around whatever you hope to accomplish in your city or village.
(Repeat of 2:15 pm session)



2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

Sept. 27-29, 2023

Thursday, Sept. 28, 2023 (con't.)

3:30-4:30 pm — **Concurrent Sessions: (con't.)**

C. **Empowering Rural Communities – UNL Rural Fellows Programs and Their Potential Impact:** Discover how UNL Rural Fellows Programs can catalyze your community's growth and open new possibilities for its development.
(Repeat of 2:15 pm session)

D. **Leveraging Social Media in Your Municipality's Communication Plans:** Learn more about practices, strategies, and examples in utilizing social media to advance public communications. Social media is an essential element to any local government's communication strategy from delivering developed public information campaigns and timely communications to establishing open engagement.
(Repeat of 2:15 pm session)

4:30-4:45 pm — **Break** (Visit Display Area)

4:45-5:45 pm — **Section Meetings**

Mayors/Village Board Chairs
City Managers/Administrators
Clerks
Larger Cities
Smaller Cities
Utilities

Make plans to network, visit the display area and enjoy the many restaurants and activities in Lincoln.

Friday, Sept. 29, 2023

7:30 am — **Registration**

Visit Display Area (Coffee and Rolls Available)

8-9 am — **Concurrent Sessions:**

A. **Bridging Our Cultural Divides:** Learn how servant leaders from North Omaha and Southwestern Nebraska forged relationships in a cultural exchange to serve as a model for bridging Nebraska's rural-urban divide. Learn how your community can participate and benefit from such an exchange.
(Session repeated at 9:15 am)

B. **Where's My FEMA Money?** How to get your cash from FEMA as soon as possible.

C. **Worker's Comp:** How to limit your liability and reduce the frequency and severity of worker's comp claims.
This session is sponsored by LARM.
(Session repeated at 9:15 am)

D. **League Insurance Government Health Team (LIGHT):** Please take advantage of this opportunity to learn more about LIGHT and the partnership with Blue Cross and Blue Shield of Nebraska and Mutual of Omaha.

9-9:15 am — **Break** (Visit Display Area)



2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

Sept. 27-29, 2023

Friday, Sept. 29, 2023 (con't.)

9:15-10:15 am — **Concurrent Sessions:**

A. **Bridging Our Cultural Divides:** Learn how servant leaders from North Omaha and Southwestern Nebraska forged relationships in a cultural exchange to serve as a model for bridging Nebraska's rural-urban divide. Learn how your community can participate and benefit from such an exchange.
(Repeat of 8 am session)

B. **Update on Protecting Your Municipal Assets:** What elected officials need to know.
(Session repeated at 11 am)

C. **Worker's Comp:** How to limit your liability and reduce the frequency and severity of worker's comp claims.
This session is sponsored by LARM.
(Repeat of 8 am session)

D. **Annual Members' Meeting of the League Insurance Government Health Team (LIGHT):** All conference delegates are welcome to attend LIGHT's Annual Members' Meeting.

10:15-10:30 am — **Break** (Visit Display Area)

10:30-10:45 am — **Annual Business Meeting**

10:45-11 am — **Break** (Visit Display Area)

11 am-12 pm — **Concurrent Sessions:**

A. **Broadband Update:** Be informed about the latest developments and how the State of Nebraska is maximizing efforts to provide broadband throughout the state.

B. **Update on Protecting Your Municipal Assets:** What elected officials need to know.
(Repeat of 9:15 am session)

C. **Tax Increment Financing (TIF) Update:** Review the basics and learn about recent changes to laws governing TIF.

D. **Creative Districts:** Learn how other cities and villages are establishing Creative Districts to become eligible for state grants and funds.

12 pm — **Adjournment.** Have a safe trip home! Please remember to buckle up!

12:15 pm — **Meeting of the LIGHT Board of Directors**



2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

Sept. 27-29, 2023

Conference Information

- All conference sessions will be held at the Corhusker Marriott Hotel, 333 South 13th Street, Lincoln, NE 68508.
- To make room reservations at the Cornhusker, call 1-866-706-7706 or 1-402-474-7474 or book online. When calling to reserve a room, please state that you are attending the League's conference to obtain the special room rate. The deadline for reserving a room is **Sept. 5**.
- The room rate is $110 for a single or double room with Government ID card. If you need an ID card, contact the League office. Individual guest accounts are payable at check out by cash or credit card.
- Check in time is approximately 4 pm; check out time is 11 am.
- Preregistration deadline for delegates is **Sept. 6**. Registrations received after this date will incur higher registration costs.
- Advance registrations not cancelled by **Sept. 6** or "no shows" will be billed for the conference, reserved display table, and meals.
- The sessions will be recorded, unless prohibited by the speaker, and emailed to registered delegates for viewing through Nov. 30.
- If you need special accommodations or equipment at this conference, contact the League office by **Sept. 6**.
- To meet production schedules for the conference materials, sponsor fund, or display table, information must be returned by **Sept. 6**.
- For your comfort, we recommend that you wear layered clothing or bring a jacket because heating and cooling conditions may vary.



2023 ANNUAL CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

Sept. 27-29, 2023

Delegate Registration

Municipality: _____

Name (as you want it to appear on name tag): _____

Title: _____ **Spouse** *(if attending):* _____

First League Conference? Yes _____ No_____

Check # _____ **enclosed for** $ _____*(Advanced payment encouraged)*

Billing address: _____

Phone: _____

Email: _____ ***(Required for you to receive electronic handbook.)***

	Through Sept. 6	After Sept. 6	Recordings Only (prepayment required)
Wednesday Preconference Seminar: (Includes Preconference electronic handbook)	_____ $110	_____ $135	_____ $110
Thursday & Friday Conference: (Includes electronic handbook) Per city/village official	_____ $395	_____ $425	_____ $395
Partial Conference: (Includes electronic handbook)			
Thursday morning only	_____ $150	_____ $170	_____ $150
Thursday afternoon only	_____ $150	_____ $170	_____ $150
Friday morning only	_____ $150	_____ $170	_____ $150

Conference Total: $_____

Meals: (not included in registration fee)

Wednesday Luncheon	_____ $30
Thursday Luncheon	_____ $30

Meal Total: $_____

Grand Total: $ _____

- ❒ Preregistration deadline is **Sept. 6**. Registrations received after this date will incur higher registration costs.
- ❒ Advanced registrations not cancelled by **Sept. 6** or "no shows" will be billed for the conference and meals.
- ❒ If you need special accommodations or equipment at this conference, contact the League office by **Sept. 6**.
- ❒ The sessions will be recorded, unless prohibited by the speaker, and emailed to registered delegates for viewing through Nov. 30.

Mail registration and payment to: League of Nebraska Municipalities, 1335 L Street, Lincoln, NE 68508, or fax 402-476-7052

Click here **to register and pay online.** ***PLEASE NOTE -- There is a credit card processing fee included for each item.***